



FACILITATION COMMITTEE
30th session
Agenda item 20

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**REPORT OF THE THIRTIETH SESSION OF THE
FACILITATION COMMITTEE**

Section	Page No.
1 GENERAL - ADOPTION OF THE AGENDA	3
2 DECISIONS OF OTHER IMO BODIES	5
3 CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC – STATUS OF THE CONVENTION	7
4 CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE ANNEX TO THE CONVENTION	8
5 ELECTRONIC MEANS FOR THE CLEARANCE OF SHIPS	8
6 APPLICATION OF THE COMMITTEE'S GUIDELINES	11
7 GENERAL REVIEW OF THE CONVENTION INCLUDING HARMONIZATION WITH OTHER INTERNATIONAL INSTRUMENTS	11
8 PREVENTION AND SUPPRESSION OF ACTS OF TERRORISM AGAINST SHIPPING: FACILITATION ASPECTS	18
9 MEASURES AND PROCEDURES FOR THE TREATMENT OF PERSONS RESCUED AT SEA: FACILITATION ASPECTS	21
10 FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF SHIPS – IMPLEMENTATION OF THE STANDARDIZED IMO MODEL FAL FORMS	26
11 FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF PERSONS - STOWAWAYS	27

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Section	Page No.
12 SHIP/PORT INTERFACE	29
13 FACILITATION ASPECTS OF OTHER IMO FORMS AND CERTIFICATES	35
14 TECHNICAL CO-OPERATION SUBPROGRAMME FOR FACILITATION	36
15 RELATIONS WITH OTHER ORGANIZATIONS	37
16 INSTITUTIONALIZATION OF THE FAL COMMITTEE	37
17 WORK PROGRAMME AND DATE OF NEXT SESSION	37
18 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2004	38
19 ANY OTHER BUSINESS	38
20 REPORT TO THE COUNCIL	39

LIST OF ANNEXES

ANNEX 1	-	AGENDA FOR THE THIRTIETH SESSION INCLUDING A LIST OF DOCUMENTS
ANNEX 2	-	DRAFT AMENDMENTS TO THE FAL CONVENTION, 1965
ANNEX 3	-	DRAFT MSC/MEPC/FAL CIRCULAR – SHIP/PORT INTERFACE - AVAILABILITY OF TUG ASSISTANCE
ANNEX 4	-	JUSTIFICATION OF THE WORK ON THE DEVELOPMENT OF GUIDELINES ON MINIMUM TRAINING AND EDUCATION FOR SHORESIDE MOORING PERSONNEL - SUBMITTED BY THE SPI WORKING GROUP
ANNEX 5	-	SUBSTANTIVE ITEMS FOR INCLUSION IN THE AGENDA OF THE THIRTY-FIRST SESSION
ANNEX 6	-	LONG-TERM WORK PLAN OF THE COMMITTEE UP TO 2010
ANNEX 7	-	WORK PROGRAMME OF THE SPI WORKING GROUP

1 GENERAL - ADOPTION OF THE AGENDA

Introduction

1.1 The Facilitation Committee held its thirtieth session from 27 to 31 January 2003. Mr. C. Abela (Malta) and Captain M.A. de Almeida (Brazil) were unanimously elected as Chairman and Vice-Chairman respectively for 2003.

1.2 The session was attended by delegations from the following Member Governments:

ALGERIA	LATVIA
ARGENTINA	LEBANON
BAHAMAS	LIBERIA
BANGLADESH	MALAYSIA
BELGIUM	MALTA
BOLIVIA	MARSHALL ISLANDS
BRAZIL	MEXICO
CANADA	NETHERLANDS
CHILE	NIGERIA
CHINA	NORWAY
CONGO	PANAMA
CUBA	PERU
CYPRUS	PHILIPPINES
DENMARK	POLAND
ECUADOR	PORTUGAL
ESTONIA	REPUBLIC OF KOREA
FINLAND	RUSSIAN FEDERATION
FRANCE	SINGAPORE
GERMANY	SPAIN
GHANA	SWEDEN
GREECE	THAILAND
GRENADA	TUNISIA
GUATEMALA	TURKEY
INDONESIA	UNITED KINGDOM
ITALY	UNITED STATES
JAPAN	VENEZUELA
KENYA	

and from the following Associate Member of IMO:

HONG KONG, CHINA

1.3 The session was attended by representatives from the following United Nations and Specialized Agency:

OFFICE OF THE UN HIGH COMMISSIONER FOR REFUGEES (UNHCR)

by an observer from the following intergovernmental organization:

EUROPEAN COMMISSION (EC)

and by observers from the following non-governmental organizations in consultative status:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
BIMCO
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)
ICHCA INTERNATIONAL LIMITED (ICHCA)
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)
INTERNATIONAL ROAD TRANSPORT UNION (IRU)
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS
(INTERCARGO)
THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)
INTERNATIONAL BULK TERMINALS ASSOCIATION (IBTA)

1.4 In welcoming the participants the Secretary-General referred to the various activities undertaken by the Organization since FAL 29, in particular, the holding in 2002 of:

- the Diplomatic Conference to adopt a Protocol to the 1974 Athens Convention;
and
- the Diplomatic Conference on Maritime Security.

Referring to the Conference on Maritime Security, he noted that it had adopted amendments to the SOLAS Convention and a new International Ship and Port Facility Security Code, as well as a set of resolutions pertaining to various activities aimed at enhancing maritime security on ships and ashore. It had also encouraged close co-operation with other international organizations, such as ILO and WCO, in pursuit of IMO's objective to prevent and suppress acts of terrorism against shipping, as envisaged in resolution A.924(22). The maritime community now had a well-considered regulatory regime on which to build a suitable maritime security infrastructure aimed at establishing and/or enhancing ship and port defences against terrorist attacks. In addition, the Conference, through the interest it had generated worldwide, was also successful in highlighting and promoting the need for the development of a security consciousness, along with the development of a safety culture and environmental conscience in all maritime operations.

In responding to the requests of the Assembly in resolution A.924(22) calling for a review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crews and the safety of ships, the SPI Working Group, at FAL 29, had drawn up pertinent recommendations on port and ship security which were conveyed to the MSC Intersessional Working Group on Maritime Security for further elaboration.

As requested by the December 2002 Conference resolution 3, the Committee was expected to consider various facilitation aspects of maritime traffic an exercise which would represent the Committee's input to the progress report the Secretary-General had to submit, through the Council, to A 23 in accordance with resolution A.924(22). As instructed by MSC 76, the SPI

Working Group should also give preliminary consideration to various requests of the Conference, including work to be jointly undertaken by IMO and ILO on the wider issues of port security.

The Secretary-General emphasized that the worldwide escalation of acts of terrorism did not leave room for any complacency and recommended that it would be prudent for all parties concerned to start putting in place, methodically and systematically and as soon as possible, all the necessary infrastructure (including legislative, administrative and operational) needed to give effect to the decisions of the Maritime Security Conference without awaiting the arrival of the entry-into-force date of 1 July 2004, so as to avoid the need to have to take hasty decisions at the last minute.

He then referred to his opening speech at the Diplomatic Conference, when he had observed that the need to ensure the uninterrupted flow of international seaborne trade could not be ignored. It was for that reason that he had taken every opportunity to raise the awareness of the importance and significance of shipping to world trade and of the economic chaos that would be caused if the global chain were to be interrupted because of terrorist attacks against ships, ports, offshore terminals or other marine facilities. It was also for reasons such as these that he had suggested, and the Council had agreed, to modify IMO's theme to **"Safe, secure and efficient shipping on clean oceans"**.

Recalling that A 22 had adopted resolution A.920(22) on Review of safety measures and procedures for the treatment of persons rescued at sea, he emphasized that, unless the matter was considered in all its aspects and appropriate action was taken, there might be a negative impact on the integrity of the search and rescue system which the Organization had put in place globally to the benefit of those found in distress at sea.

He then informed the Committee that, two sessions of the MSC, a meeting of United Nations Agencies and Programmes held in Geneva in July and an informal meeting held in Sweden in September 2002 had considered specific points identified by MSC 75. The reports of the above meetings had been referred to COMSAR 7, which had made good progress in drafting amendments to the SOLAS and SAR Conventions for consideration and approval by MSC 77 and formal adoption at MSC 78.

The Secretary-General expected that the Committee would continue consideration of the matter from the facilitation perspective, including review of the FAL Convention and resolutions A.773, A.871 and A.867, concerning alien smuggling by ships, stowaways, and trafficking or transport of migrants by sea, respectively; and the Committee's work on this important topic would represent its input to the report that he would submit, through the Council, to A 23 in accordance with resolution A.920(22).

With respect to the stowaway issue, which had become a heavy burden on ships and crews and on the shipping industry as a whole, and continued to form an important part of the Committee's agenda, he referred to the amendments to the Annex to the FAL Convention, which had been adopted at FAL 29 to include key elements aimed at resolving stowaway problems and were expected to enter into force on 1 May 2003.

Under the agenda item on the use of electronic means for the clearance of ships, the Committee would continue to consider the most appropriate way to facilitate the process of clearing ships, cargoes, passengers and crews by using information technology solutions such as the "electronic signature" and the "single window concept and pre-arrival information".

At FAL 29 the Committee had considered matters relating to the FAL Convention from a general point of view and also how to modernize it and bring it up-to-date with developments in the shipping industry in the context of the strategic review of the FAL Convention and the Committee's work. At this session, the Committee was expected to review those Standards and Recommended Practices contained in the Annex to the FAL Convention to which exceptions had been registered by Contracting Governments, with a view to determining whether they were outdated or in need of amendment to make them more universally acceptable; and to provide a mechanism through which parties would be encouraged to review the exceptions they had registered and other measures taken in order that they might align their national requirements and procedures with those of the Convention.

Turning to the Working Group on Ship/Port Interface, the Secretary-General highlighted that, apart from the work on maritime and port security it would have to carry out, it would continue consideration of the development of a Manual on loading and unloading of solid bulk cargoes for terminal representatives and the availability of adequate tug assistance. The Group would further consider, on the basis of instructions given by the MSC, the development of Guidelines for the training of port marine personnel as well as the updating of the list of existing publications relevant to subject areas and topics relating to ship/port interface.

Recalling that the importance of the early entry into force of the 1991 amendments to the IMO Convention concerning the institutionalization of the Facilitation Committee had been repeatedly emphasized along with confidence in the Committee continuing to make an important contribution to the facilitation of international maritime traffic, the Secretary-General mentioned that C 88, while welcoming the action taken so far by Member States which had accepted the amendments, had adopted a resolution urging Member States which had not done so, to take the necessary action as soon as possible. So far 76 of the required 108 acceptances had been received. Although this represented a significant increase of acceptances since FAL 29, 32 acceptances were still needed to fulfil the requirements for the entry into force of the 1991 amendments. The Secretary-General, therefore, urged Member Governments, which had not yet accepted the amendments, to initiate action to do so now so that they could enter into force as early as possible.

The Secretary-General was confident that the Committee would continue making an important contribution to the facilitation of international maritime traffic and that it would respond positively to the Assembly's requests in resolutions A.920(22) and A.924(22) and those of the Maritime Security Conference in resolution 3.

1.5 In responding to the Secretary-General's remark, the Chairman stated that his advice and requests would be given every consideration in the Committee's deliberations.

Credentials

1.6 On behalf of the Secretary-General, the Director of MSD informed the Committee that all credentials presented to the session had been found to be in order.

Adoption of the agenda

1.7 The agenda of the session, as adopted by the Committee, and a list of documents submitted under each agenda item, is given in annex 1.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Committee noted decisions related to its work taken at:

- .1 the eighty-eighth and eighty-ninth sessions of the Council (FAL 30/2 and FAL 30/2/1);
- .2 the seventy-fifth and seventy-sixth sessions of the Maritime Safety Committee (FAL 30/2 and FAL 30/2/1);
- .3 the forty-eighth session of the Marine Environment Protection Committee (FAL 30/2);
- .4 the eighty-fourth and eighty-fifth sessions of the Legal Committee (FAL 30/2);
- .5 the fifty-first and fifty-second sessions of the Technical Committee (FAL 30/2/1); and
- .6 the seventh session of the Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (FAL 30/2).

2.2 The action taken by the Committee with respect to the above decisions is reported under relevant sections of this report.

Outcome of the eighty-eighth and eighty-ninth sessions of the Council

2.3 The Committee noted (FAL 30/2, paragraphs 2 to 6) that the Council, at its eighty-eighth session, had approved the report of the Committee on its twenty-ninth session.

2.4 The Committee further noted the outcome of the eighty-ninth session of the Council (FAL 30/2/1, paragraphs 2 to 9), in particular, that, in considering document C 89/12/3 (Cyprus, Philippines and ICFTU), C 89 had instructed the Committees and through them, their subsidiary bodies, when developing new instruments or amendments to existing ones, to ensure that these are compatible, and not in conflict, with other instruments or international law and that they should not be interpreted or used in a way that conflicts with such instruments, in particular, those addressing human rights.

3 CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC

Status of the Convention

3.1 The Committee (FAL 30/3) noted that, since its twenty-ninth session, Congo (7 August 2002), Estonia (22 March 2002), Indonesia (4 November 2002), Malta (24 September 2002) and Venezuela (10 May 2002) had acceded to the Convention, thus bringing the total number of Contracting Governments to 94.

3.2 In expressing its appreciation to the Governments of Congo, Estonia, Indonesia, Malta and Venezuela, the Committee urged those Member Governments, which had not accepted the Convention yet, to consider doing so as soon as possible in order to assist the Organization's efforts to facilitate international maritime traffic.

4 CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE ANNEX TO THE CONVENTION

The Committee noted that no amendments to the Annex to the Convention had been proposed for formal adoption at this session and considered future amendments under agenda item 7 (General review of the Convention including harmonization with other international instruments).

5 ELECTRONIC MEANS FOR THE CLEARANCE OF SHIPS

5.1 The Committee, at its twenty-ninth session (FAL 29/18, paragraph 5.20), established a correspondence group to update the Committee on developments relating to electronic business in the area of maritime traffic and to act as a focal point for any progress needed to be made towards achieving the goal of total electronic clearance of ships and cargoes, with the terms of reference as set out in annex 3 of document FAL 29/18.

E-BUSINESS POSSIBILITIES FOR THE FACILITATION OF MARITIME TRAFFIC

Report of the Correspondence Group

5.2 The Committee considered the report of the Correspondence Group (FAL 30/5), which invited it to consider: the need for amendments to the Convention taking into consideration the changing processes as a result of the use of e-Business solutions; legal constraints to E-business and possible actions for the removal thereof; direct involvement of IMO FAL whenever any change to standard information and messages dealing with maritime dangerous goods information is contemplated; and the publication of an erratum to the IMO Compendium on facilitation and electronic business (FAL.5/Circ.15) and possible additions.

5.3 The Committee also noted the information provided by the Correspondence Group (FAL 30/INF.5) on “Single Window Concept”, which had been prepared by the International Trade Procedures Working Group (ITPWG) of the United Nations Centre for Trade and Electronic Business (UN/CEFACT).

5.4 The Committee, having agreed, in principle, with the proposals/recommendations of the Correspondence Group in document FAL 30/5, referred it to the Working Group to be established for detailed consideration.

5.5 The Netherlands (FAL 30/5/1) informed the Committee of a study of the data flows between ships and (port) authorities when entering into, or departing from, ports in the Netherlands.

5.6 The Committee, recalling its discussion on the proposal by the Netherlands to amend the FAL Convention (FAL 30/7/3) under agenda item 7 (see paragraph 7.12), instructed the working group to consider it and advise the Committee from the technical point of view.

Possibilities of web-based documents

5.7 The Committee noted with appreciation the information provided by Poland, through the comprehensive presentation, on the possibilities of web-based documents.

ESTABLISHMENT OF THE WORKING GROUP

5.8 The Committee established the working group to:

- .1 consider in detail document FAL 30/5 and advise the Committee on recommendations and proposals of the Correspondence Group contained in that document, taking into account comments made in Plenary and document FAL 30/5/1;
- .2 prepare draft amendments to the IMO Compendium on Facilitation and Electronic Business, based on the draft erratum prepared by the Correspondence Group (FAL 30/5, annex 1);
- .3 review the draft FAL Circular on E-Address (FAL 30/5, annex 2) prepared by the Correspondence Group;
- .4 consider the proposed draft amendments to the FAL Convention (FAL 30/7/3) and advise the Committee from the technical point of view only;
- .5 identify future work on electronic means for the clearance of ships and, if any work is required intersessionally, prepare terms of reference for the Correspondence Group; and
- .6 report to the Plenary on Thursday.

5.9 Upon receiving the reports of the working group (FAL 30/WP.5 and Add.1), the Committee took action as indicated in the following paragraphs.

Consideration of document FAL 30/5

5.10 The Committee:

- .1 agreed on the need for consideration of amendments to the FAL Convention due to the changing process as a result of the use of e-Business solutions (paragraphs 5, 6, 7, 8 and 9 of FAL 30/5);
- .2 noted that WCO, in co-operation with IATA and ICAO, had revised the 1993 joint WCO/IATA Guidelines on Advance Passenger Information (API) to reflect latest security requirements for air passenger traffic, including crew. The revised Guidelines would be presented to the WCO Permanent Technical Committee (PTC) in March 2003 for approval (paragraph 13 of FAL 30/5);
- .3 agreed that the Committee should take into account the work being undertaken on Customs data requirements for cargo in WCO, in particular the WCO Customs Data Model (paragraph 11 of FAL 30/5);
- .4 agreed with the views of the Correspondence Group on legal constraints to E-business and possible reactions for the removal thereof and also that the Committee should be directly involved whenever any change to standard information and messages dealing with maritime dangerous goods information is contemplated (paragraphs 14, 15, 16 and 17 of FAL 30/5); and

- .5 noted the information on developments in international organizations (ISO, UN/CEFACT, UN/ECE, WCO, etc.) on relevant standards and international trade facilitation (paragraphs 18, 19, 20, 21, 22, 23 and 24 of FAL 30/5).

5.11 With regard to the "single window concepts and pre-arrival information" for ships to allow all the information required to be provided for and by a visiting ship to a port, including that required by Public Authorities, through one point of entry, the Committee noted with appreciation the information provided in FAL 30/5/1 (the Netherlands). The Committee invited other Member Governments to submit reports of similar studies for information and consideration at the next session.

Amendments to the IMO Compendium on Facilitation and Electronic Business

5.12 The Committee approved amendments to the IMO Compendium on Facilitation and Electronic Business (FAL 30/WP.5/Add.1, as amended) for dissemination by FAL.5/Circ.15/Corr.1.

FAL circular on E-Address

5.13 The Committee considered a draft FAL circular on E-Address, (FAL 30/WP.5, annex 3, as amended) and approved it for dissemination by FAL.5/Circ.19.

Proposed amendments to the FAL Convention

5.14 The Committee noted the opinion of the Working Group (FAL 30/WP.5, paragraph 9) on the proposed amendments to the FAL Convention (FAL 30/7/3) that from the technical point of view, the proposed amendments may be accepted during its consideration of approval of draft amendments to the Convention.

Future work on electronic means for the clearance of ships

5.15 The Committee noted the opinion of the Working Group (FAL 30/WP.5, paragraph 11) that there was a need for continuing the work of the intersessional Correspondence Group on E-Business matters. A number of delegations were not in favour of establishing an intersessional Correspondence Group on E-Business matters, whilst some delegations supported the idea.

5.16 After a lengthy discussion, the Committee decided not to establish an intersessional Correspondence Group on E-Business matters and requested Member Governments to submit proposals to its next session related to the following topics:

- .1 amendments to the IMO Compendium on Facilitation and Electronic Business (FAL.5/Circ.15 and Corr.1);
- .2 exchange of information with a view to keeping the Committee informed of relevant developments relating to E-business in the area of maritime traffic;
- .3 how recent developments in maritime security impact on E-business; and
- .4 how to expand E-business in the area of maritime traffic to less developing countries.

6 APPLICATION OF THE COMMITTEE'S GUIDELINES

6.1 The Committee, at its twenty-seventh session, revised the Committee's Guidelines on the organization and method of its work, which have been subsequently circulated as FAL.3/Circ.179.

6.2 The Committee noted the outcome of the Chairmen's meeting and MSC 76 (FAL 30/6 and Add.1), in particular that the Meeting had agreed that the Guidelines on the organization and method of the MSC and MEPC (MSC/Circ.931-MEPC/Circ.366, as amended), as well as the FAL Committee's Guidelines (FAL.3/Circ.179) should be rearranged to make them more user-friendly.

6.3 The Committee agreed with the recommendation of the Chairmen's meeting and, to this effect, it requested the Chairman, in consultation with the Secretariat, to prepare a draft re-arranged text for consideration by FAL 31, and also agreed that in preparing new draft text of the Committee's Guidelines those of MSC and MEPC should be taken into account.

7 GENERAL REVIEW OF THE CONVENTION, INCLUDING HARMONIZATION WITH OTHER INTERNATIONAL INSTRUMENTS

REVIEW OF STANDARDS AND RECOMMENDED PRACTICES IN THE ANNEX TO THE CONVENTION TO WHICH EXCEPTIONS HAVE BEEN REGISTERED BY THE CONTRACTING PARTIES

7.1 The Committee recalled that, at its twenty-ninth session (FAL 29/18, paragraph 7.9), it had agreed to review those Standards and Recommended Practices contained in the Annex to the FAL Convention to which exceptions have been registered by Contracting Governments, with a view to determining whether they are outdated or could be amended to make them more universally acceptable; and to provide a mechanism through which parties will be encouraged to review those exceptions they have registered and other measures taken to align their national requirements and procedures with those of the Convention.

7.2 The Committee, at its twenty-ninth session (FAL 29/18, paragraph 7.12) further agreed that it would be desirable to reduce the number of exceptions and, in order to reach this objective, recognized that it was necessary in the first instance to obtain up-to-date information from Contracting Governments concerning such exceptions to the Standards and implementation of the Recommended Practices in the Annex to the Convention, which could be achieved by sending a questionnaire to them. With that information in hand, the Committee could then determine the adequacy of certain provisions of the Convention. It therefore decided to consider the development of such a questionnaire at this session. The Secretariat was instructed to collate any available information on exceptions to Standards and Recommended Practices registered for consideration.

7.3 The Committee, at its twenty-ninth session (FAL 29/18, paragraph 7.14) also agreed to consider at this session issues, such as: the submission by Contracting Governments of detailed reasons for such exceptions; the limitation of exceptions to real differences and not to explanations of greater facilities; the introduction of an explanatory manual to the Convention; and the containment in article VIII of the Convention of a requirement calling for the review of exceptions on a regular basis; and the need for identifying Core Standards.

7.4 The Committee noted that the Secretariat (FAL 30/7, annex 1) collated available information on the differences between national practices and the Standards and Recommended Practices contained in the Annex to the FAL Convention, as requested by the Committee, based on notifications by Contracting Governments in accordance with article VIII of the Convention.

7.5 The Committee considered the issues referred to in paragraphs 7.2 and 7.3 above and took action as indicated in the ensuing paragraphs.

7.6 With regard to the issue on the development of a questionnaire to obtain up-to-date information from Contracting Governments concerning exceptions to the Standards and implementation of the Recommended Practices in the Annex to the Convention, the Committee, confirming the need for the development of such a questionnaire, agreed that the questionnaire should be sent to all Member Governments of the Organization not only to address the exceptions registered by Contracting Governments but also to find out what impediments are being faced by Member Governments in ratifying the Convention. The Committee, further agreeing that the term “differences” should be used instead of “exceptions” in order to be consistent with the term used in Article VIII of the Convention, instructed the Working Group on Review of the Convention to be established to prepare the questionnaire together with an associated draft FAL Circular. It was also agreed that when developing the questionnaire, the working group should take into consideration the implementation of FAL Forms (1 to 7).

7.7 The Committee agreed that Contracting Governments should submit detailed reasons for such differences to the Standards and Recommended Practices and that the issue should be included in the aforementioned draft FAL Circular to be developed.

7.8 With regard to the issue that differences should be limited to real differences and not to explanations of greater facilities, the Committee agreed that the issue should also be included in the draft FAL Circular to be developed.

7.9 The Committee agreed that the introduction of an explanatory manual to the Convention was necessary and instructed the Working Group to consider the matter and propose the way forward; a time schedule for the manual to be developed; and, if necessary, prepare draft terms of reference for a correspondence group to work intersessionally.

7.10 With regard to the issue of the containment in article VIII of the Convention of a requirement calling for the review of differences on a regular basis, the Committee instructed the Working Group to consider the need for such amendments and, if found appropriate, prepare draft amendments to article VIII of the Convention for consideration at the next session.

7.11 The Committee also briefly discussed the need for identifying Core Standards that could be excluded from the exception provision of Article VIII of the Convention, and referred the issue to the Working Group for detailed consideration.

PROPOSED AMENDMENTS TO THE ANNEX TO THE FAL CONVENTION

7.12 The Committee agreed to refer the proposal by the Netherlands (FAL 30/7/3) to the Working Group on Review of the Convention and to the EDI Working Group to be established under agenda item 5 to consider the proposal from the legal and technical point of view respectively and advise the Committee accordingly. The Committee further instructed the Working Group to consider the proposal by France in document FAL 29/4/1.

INFORMATION SUBMITTED ON IMPLEMENTATION OF INDIVIDUAL PROVISIONS OF THE ANNEX TO THE CONVENTION

7.13 The Committee considered the summary tables of a compilation (FAL 30/7/2) of notifications submitted by Contracting Governments on differences between national practices and Convention Standards intended to assist Member Governments to identify those Standards which may need reviewing because of the significant number of "differences" notified, and to encourage Members to review their differences. The Committee noted notifications received from Malta (FAL/Circ.97) and the annex to FAL 30/7/2 constituted Indexes I and II of Appendix 6 of the sales publications of the FAL Convention, as amended.

7.14 The Secretariat informed the Committee that notification had been received from Italy, in accordance with Article VIII of the FAL Convention, on the differences between the Italian legislation and the Convention Standards 1.4, 1.5, 1.6, 1.8 and 3.3.6 and Recommended practices 1.7, 4.7 and 4.8, which would be included in the next print of the summary tables of a compilation (FAL 30/7/2, annex).

7.15 The delegation of Singapore informed the Committee that Singapore does not accept electronic submission of crew and passenger lists. Singapore accepts hard copies with shipmasters' signature on them.

7.16 The Committee urged Contracting Governments to inform the Secretariat of any changes that should be made to the annex to FAL 30/7/2 and instructed the Secretariat to include such updated notifications in the next print of the summary tables of a compilation.

PREVENTION AND SUPPRESSION OF UNLAWFUL ACTS AT SEA OR IN PORT: FACILITATION ASPECTS

Piracy and armed robbery against ships

7.17 The Committee noted the outcome of MSC 75 and MSC 76 on the issue of piracy and armed robbery against ships (FAL 30/7/1 and add.1), in particular on:

- .1 statistical information on piracy and armed robbery (FAL 30/7/1, paragraphs 2 to 4 and FAL 30/7/1/Add.1, paragraphs 1 to 7);
- .2 implementation of the anti-piracy project (FAL 30/7/1, paragraphs 5 to 11 and FAL 30/7/1/Add.1, paragraphs 8 to 17);
- .3 outcome of the fifty-sixth session of the United Nations General Assembly (FAL 30/7/1, paragraphs 14 to 16);
- .4 United Nations open-ended informal consultative process on oceans and law of the sea (FAL 30/7/1, paragraphs 12 and 13 and FAL 30/7/1/Add.1, paragraphs 18 to 20); and
- .5 Code of practice for the investigation of crimes of piracy and armed robbery against ships (resolution A.922(22)).

7.18 The Committee instructed the Secretariat to keep the Committee informed of further developments on this matter, as appropriate.

PREVENTION AND CONTROL OF ILLICIT DRUG TRAFFICKING: FACILITATION ASPECTS

7.19 The Committee recalled that, when considering item 8 (Prevention and suppression of acts of terrorism against shipping), it had agreed to review resolution A.872(20) on Guidelines for the Prevention and Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic, pursuant to the 2002 Conference resolution 3.

7.20 Having briefly discussed the matter, the Committee instructed the Working Group to review resolution A.872(20).

ESTABLISHMENT OF THE WORKING GROUP

7.21 The Committee established a Working Group on Review of the Convention with the following terms of reference:

- .1 to prepare a draft FAL Circular which should encompass the following:
 - .1 a questionnaire to obtain up-to-date information from Member Governments identifying differences between own practices and the Convention Standards and Recommended Practices;
 - .2 an invitation to these Governments to submit detailed reasons for such differences; and
 - .3 the identification of real differences only and not to give explanations on implementations or details about offering greater facilities which go beyond the requirements of the Convention;
- .2 to consider the development of an explanatory manual to the Convention and propose a way forward, a time schedule for its development and, if necessary, prepare terms of reference for a correspondence group to work intersessionally;
- .3 to consider the need for identifying Core Standards;
- .4 to prepare draft amendments to Article VIII of the Convention to contain a provision that called for a review of differences between Contracting Government practices and the Convention Recommended Practices;
- .5 to consider the legal aspects of the proposed amendments to the FAL Convention as enumerated in document FAL 30/7/3 and to include the proposed amendments made by France in document FAL 29/4/1; and
- .6 to report to the plenary on Thursday.

7.22 The Committee reminded the Working Group of the instructions given to it with regard to maritime security (see paragraph 8.9) and persons rescued at sea (see paragraph 9.13).

7.23 Upon receiving the report of the Working Group (FAL 30/WP.2), the Committee took action as indicated in the following paragraphs.

Questionnaire to obtain up-to-date information from Member Governments

7.24 The Committee agreed that it would be appropriate to keep the questionnaire simple and short and agreed that the following questions should be a part of the questionnaire:

- .1 Name of the country;
- .2 Is the Government of the country a Contracting Government to the Convention?

If yes, then:

- .1 list the Standards and Recommended Practices that have NOT been adopted;
- .2 state the differences between own practice and such Standard/Recommended Practice;
- .3 state the need for these differences;
- .4 is the difference that you last identified still valid or could it be withdrawn?
- .5 what action has been taken to bring the formalities, documentary requirements or procedures into full accord with the amended or newly adopted Standard or Recommended Practice?
- .6 what measures have been taken to align national legislation with the Standards and Recommended Practices of the Convention?

If no, then:

- .1 list the Standards and Recommended Practices that are similar to own practices;
 - .2 list the Standards and Recommended Practices that are NOT similar to own practices;
 - .3 state the differences between own practice and such Standard/Recommended Practice;
 - .4 state the need for these differences;
 - .5 what measures have been taken to align national legislation with the Standards and Recommended Practices of the Convention?
 - .6 state the obstacles, if any, to become Contracting Government to the Convention.
- .3 Do you require assistance from the Organization either to accept or become party to the Convention or to enable effective implementation of the Convention?

7.25 The Committee instructed the Secretariat to finalize the questionnaire, including its layout, in consultation with the chairman of the group, and add any other pertinent questions, including those related to FAL forms, considered appropriate before distributing it to Member Governments. Also, the Committee instructed the Secretariat, when finalizing the questionnaire, to request Member Governments to submit the duly filled questionnaire to the Secretariat by 30 May 2003.

7.26 The Committee noted that an updated version of the FAL Convention should be published as soon as possible and that the differences received by the Secretariat by 31 May 2003 in accordance with the questionnaire, would be reflected accordingly in the updated version and those which have not been received by that date but are already included in the current version of the Convention (1998 edition of the Convention) would remain as they are in that updated version of the Convention.

7.27 The Committee approved FAL.3/Circ.184 on Review of Standards and Recommended Practices in the Annex to the FAL Convention and instructed the Secretariat to circulate it as soon as possible.

Development of an explanatory Manual to the Convention

7.28 The Committee recognized that the development of an explanatory manual could help in interpreting the legal text of the provisions of the Convention that could be complex and at times difficult to understand. An explanation of provisions and best practices, which should be in the form of a practical handbook, could contribute to a better understanding and thus an enhanced implementation of the Convention.

7.29 The Committee, noting that as the proposed manual would be a general document, which would provide interpretations of Standards and Recommended Practices, agreed that the manual could serve as a useful link between the FAL Convention and the preparation of the relevant national legislation. The Committee decided to keep the proposed manual simple and agreed that it need not follow the usual amendment procedure of the Convention.

7.30 The Committee agreed that an appropriate way to address this issue would be to form an intersessional correspondence group on the development of an explanatory Manual to the FAL Convention* with the terms of reference to compile a general outline of the proposed manual and submit it to FAL 31. The group proposed the target completion year for the completion of the Manual as 2006.

* Co-ordinator of the intersessional Correspondence Group on the development of an explanatory Manual to the FAL Convention

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7.31 The delegation of Bahamas expressed the view that establishment of a correspondence group at this session would be premature and it should be left until the results of the questionnaire are known.

7.32 The delegation of Cyprus did not agree with the Committee's decision on the establishment of a correspondence group to address this issue.

Need to identify Core Standards

7.33 The Committee recognized that there might be benefits to be accrued in identifying Core Standards contained in the Convention that could be excluded from the exemption provision of Article VIII and agreed that it would be appropriate to revisit this issue after results of the questionnaire to obtain up-to-date information from Member Governments have been compiled and evaluated.

Amendments to Article VIII

7.34 The Committee noted the view of Denmark that a review of the differences, to be notified to the Secretary-General under Article VIII of the Convention, could be initiated without the need to amend the Convention. The Committee agreed that it would be more appropriate to revisit this issue after results of the questionnaire to obtain up-to-date information from Member Governments have been compiled and evaluated.

Legal aspects of the proposed amendments to the Convention

7.35 Regarding the submission by France (FAL 29/4/1), which contained a draft-revised text of the Annex to the FAL Convention, 1965, the Committee agreed with the group's view that it would be appropriate for France to submit a revised proposal to FAL 31 taking into consideration the consolidated text of the Annex to the Convention which incorporated the 1999 (FAL 27/19, Annex 2) and 2002 (FAL 29/18, Annex 2) amendments.

7.36 Regarding the submission by the Netherlands (FAL 30/7/3), which provided draft amendments to the FAL Convention relating to the concepts of pre-arrival, single window, community systems and electronic communication, the Committee noted that the group agreed with the views of the delegate from the United States that the issue of time frame, related to the pre-arrival information in Recommended Practice 2.1.3 (FAL 30/7/3), was an evolving one and reference to a specific time frame should be avoided for the time being.

7.37 The Committee agreed with the above proposal in principle; however, in noting that as this submission could benefit from improvement in light of the 2002 amendments to the Convention, also agreed with the opinion of the group that it would be appropriate for the Netherlands to submit a revised proposal to the next session.

7.38 The Committee noted that the use of the terms "release of goods" and "clearance of goods" in the context of simplified procedures had caused confusion to some in the industry and perhaps it was time to consider preparing definitions for the two terms, which could be the same as in the Kyoto Convention.

7.39 Also, the Committee instructed the Secretariat to collate the results of the questionnaire and circulate them for consideration at FAL 31.

8 PREVENTION AND SUPPRESSION OF ACTS OF TERRORISM AGAINST SHIPPING: FACILITATION ASPECTS

8.1 The Committee recalled that at its last session (FAL 29/18, paragraph 2.16), in considering the requests by the Assembly contained in resolution A. 924(22) acknowledged that facilitation and enhanced security were complementary to each other and should not be viewed as excluding each other. Considering its broad expertise in both the port and shipping sectors, the Committee had tasked the SPI Working Group to identify any existing gaps and areas where improvements could be made. The outcome of the SPI Working Group, which contains a number of recommendations on port and ship security, was conveyed to the International Working Group on Maritime Security (ISWG) in February 2002 (MSC 75/ISWG 13).

8.2 The Committee (FAL 30/8) noted that the 2002 SOLAS Conference on Maritime Security adopted amendments to SOLAS and the International Ship and Port Facility Security (ISPS) Code, by Conference resolutions 1 and 2 respectively (SOLAS/CONF.5/32, SOLAS/CONF.5/34). The SOLAS amendments, among other things, created new chapter XI-2 (special measures to enhance maritime security), which makes a reference to the ISPS Code and requires ships, companies and port facilities to comply with the relevant requirements of the Code.

8.3 The Committee further noted that the Conference also adopted a number of resolutions (SOLAS/CONF.5/34) (FAL 30/8, annex).

8.4 The Committee's particular attention was drawn to Conference resolution 3, operative paragraph 1 (g) and (h), namely:

- “(g) consider, in the context of security, relevant aspects of facilitation of maritime traffic such as, for example, port arrivals and departures, standardized forms of reporting and electronic data interchange and take action as appropriate;
- (h) review the Organization's Assembly resolution A.872(20) on Guidelines for the Prevention and Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic and, if necessary, develop appropriate amendments thereto;”.

8.5 The Committee's particular attention was also drawn to:

- resolution 8 on Enhancement of security in co-operation with the International Labour Organization;
- resolution 9 on Enhancement of security in co-operation with the World Customs Organization; and
- resolution 11 on Human element-related aspects and shore leave for seafarers.

8.6 The Committee noted that MSC 76, having discussed various requests of the 2002 SOLAS Conference contained in Conference resolutions, had agreed to consider them in detail at MSC 77 and decided, in the meantime, to instruct the SPI Working Group to give preliminary consideration:

- .1 in the context of resolution 3 (operative paragraphs 1(a), 1(f) and 1(i), respectively):
 - .1 to the development, in co-operation with the STW Sub-Committee, on training guidance such as model courses for ship security officers, company security officers, port facility security officers and company, ship and port security personnel;
 - .2 to the review of the aspect of security of ships to which chapter XI-2 applies when interfacing with floating production storage units and floating storage units; and
 - .3 to the need and, if necessary, development of any other guidance or guidelines to ensure the global, uniform and consistent implementation of the provisions of chapter XI-2 or part A of the ISPS Code; and
- .2 in the context of resolution 8 (operative paragraph 5), to contributing, with appropriate expertise, to the work of ILO on the proposed joint work on the wide issue of port security,

and requested the Group to report to MSC 77 for the MSC to provide further direction on the above issues.

8.7 With regard to work to be jointly undertaken by IMO and ILO on the wider issue of port security on resolution 8, the Committee was informed that the ILO had held two informal meetings in September and October 2002 respectively and a third one was scheduled to take place in February 2003. The Committee noted that the formal joint IMO/ILO working group had not been established yet.

8.8 The Committee instructed the SPI Working Group that, apart from the instructions to be given under item 12, as an urgent matter, to give preliminary consideration as instructed by MSC 76 (see paragraph 8.6) and report to the plenary on Thursday.

8.9 The Committee instructed the Working Group on Review of the FAL Convention to:

- .1 consider, in the context of security, relevant aspects of facilitation of maritime traffic such as, for example, port arrivals and departures, standardized forms of reporting and electronic data interchange and take action as appropriate (FAL 30/8, annex, Conference Resolution 3, 1(g) refers);
- .2 review the Organization's Assembly resolution A.872(20) on Guidelines for the Prevention and Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic and, if necessary, develop appropriate amendments thereto (FAL 30/8, annex, Conference Resolution 3, 1(h) refers); and
- .3 report to the plenary on Thursday.

8.10 Upon receiving the report of the working group (FAL 30/WP.2/Add.1), the Committee took action as indicated in the following paragraphs.

Facilitation of maritime traffic aspects in the context of maritime security

8.11 The Committee noted the view of the group that the subjects of security and facilitation could be complementary to each other in the fields of customs and immigration. Use of risk analysis techniques could be made in studying the data and a risk profile established which could be of benefit to other authorities as well, such as health and veterinary.

8.12 The Committee noted the view of the delegation of Portugal that it was time for the Organization to address the issue of exchange of information between ports which, in her opinion, would facilitate the issuance of shore-leave passes to ships' crew. She suggested that there was a need to establish a database, at the level of IMO, available for public authorities, which should, amongst others, foster exchange of technical information about the ship, including past history and details of previous ports of call and the next ones.

8.13 The Committee noted the view of the group that Member Governments should be encouraged to promote the concept of single window whereby, making it possible for the Master of the ship or the agent to provide the required information using this concept. By using one point of entry and assigning a reference number to the ship one could do away with the need to duplicate information, which would, amongst others, facilitate trade and support measures to enhance security.

8.14 The Committee noted the view of the group that the WCO had established data requirements for a Cargo Report and in order to adequately address this issue, it would be prudent to make a detailed study of this Data Set along with the seven FAL forms, EDI Compendium and the following security related documentation requirements:

- International Ship Security Certificate;
- Continuous Synopsis Record;
- Declaration of Security between Ship and Port facility; and
- Additional security related information required to be available on board.

8.15 The Committee, recognizing that the above exercise would entail an in-depth study and comparison of the above stated documents, decided to consider further this issue at the next session and invited submissions to FAL 31.

8.16 The Committee instructed the Secretariat to keep it informed of the latest relevant developments in WCO and in ILO.

Review of resolution A.872(20)

8.17 The Committee noted that, when considering this issue, the contents of document SOLAS/CONF.5/14 (Colombia), submitted to the 2002 Conference on Maritime Security, to update the Guidelines for the Prevention and Suppression of Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic (resolution A.872(20)), needed to be taken into account.

8.18 The Committee, recognizing that consideration of this issue would require considerable time and effort, agreed to further consider the matter at FAL 31 and invited proposals for consideration, taking into account the contents of document SOLAS/CONF.5/14, at FAL 31.

8.19 The Committee instructed the Secretariat to prepare the progress report required by resolution A.924(22).

9 MEASURES AND PROCEDURES FOR THE TREATMENT OF PERSONS RESCUED AT SEA: FACILITATION ASPECTS

9.1 The Committee recalled that, at its twenty-ninth session (FAL 29/18, paragraph 7.44), in reviewing measures and procedures for the treatment of persons rescued at sea in response to the requests of the Assembly in resolution A.920(22), it had noted that a possible way to address the issues, in the framework of the relevant IMO instruments, could be to develop provisions to ensure:

- .1 disembarkation in the next port of call or the nearest port;
- .2 decision on the acceptance/admissibility according to national law and international conventions; or
- .3 the return to their country of origin or reception in a third country,

and invited Member Governments and international organizations to address the above issues, taking into account, if found appropriate, existing Standards 2.19 to 2.26 and 6.8 to 6.10 of the FAL Convention.

9.2 The Committee further recalled that it had also agreed (FAL 29/18, paragraph 9.1) to consider whether there was a need to amend the following three resolutions:

- .1 resolution A.773(18) on Enhancement of safety of life at sea by the prevention and suppression of unsafe practices associated with alien smuggling by ships;
- .2 resolution A.871(20) on Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases; and
- .3 resolution A.867(20) on Combating unsafe practices associated with the trafficking or transport of migrants by sea,

and invited Member Governments and international organizations to submit comments and proposals to FAL 30.

9.3 The Committee noted the information provided by the Secretariat on the outcome of LEG 84, 85, MSC 75 and COMSAR 7 on the issue (FAL 30/9, Add.1 and Add.2).

9.4 The Committee noted that the Secretary-General had brought the issue of persons rescued at sea to the attention of a number of competent United Nations specialized agencies and programmes, pointing out the need for a co-ordinated approach to all attendant aspects at the United Nations inter-agency level. Further to proposing a review of the relevant legislation adopted by the competent United Nations agencies and programmes, the Secretary-General had also proposed the establishment of a co-ordinating mechanism to ensure that the response of the

United Nations in any future emergency could be co-ordinated in a consistent manner. An UN Inter-Agency Meeting, represented by the United Nations Division for Ocean Affairs and the Law of the Sea, the Office of the United Nations High Commissioner for Refugees (UNHCR), the UN Office for Drug Control and Crime Prevention (ODCCP), the Office of the UN High Commissioner for Human Rights (UNCHR), the International Organization for Migration (IOM) and the IMO Secretariat, took place on the UNHCR Headquarters on 2 and 3 July 2002 to consider and agree on how to take their task forward. The outcome of the Meeting was reported to MSC 76 (reproduced at annex to document FAL 30/9).

9.5 The Committee further noted that the instructions given by MSC 75 to COMSAR 7 to:

- .1 continue the review of the provisions of the SOLAS and SAR Conventions regarding the treatment of persons rescued at sea, based on the requests of resolution A.920(22);
- .2 consider whether additional guidance should be developed for shipmasters, RCCs, coastal States and other interested parties to ensure that persons rescued at sea are delivered to a place of safety;
- .3 identify other issues that the Organization should forward to other international organizations that have responsibilities related to this issue; and
- .4 also consider the possible need for, or desirability of, effecting amendments to the FAL and SALVAGE Conventions regarding provisions relating to persons rescued at sea or in distress at sea.

9.6 The Committee noted that COMSAR 7 considered the text of amendments to the SOLAS and SAR Conventions, developed by the SAR Working Group and, having had lengthy considerable discussion (as reflected in paragraphs 6 to 18 of document FAL 30/9/Add.2), agreed to the draft amendments to SOLAS chapter V and to the SAR Convention (reproduced at annex to document FAL 30/9/Add.2) for submission to MSC 77 for consideration and approval with a view to adopting at MSC 78.

9.7 The Committee noted that COMSAR 7, noting the comments provided by LEG 85 (FAL 30/9, paragraphs 10 and 11 refer) and further noting that FAL 30 was expected to consider the issue in the context of the FAL Convention, had agreed that it would be premature for COMSAR to advise the two Committees on any action to be taken until its work on amendments to the SOLAS and SAR Conventions was completed and approved by the MSC and the direction of that process was clear. COMSAR 7 therefore agreed to inform LEG 86 and FAL 30 of its work undertaken on the SOLAS and SAR amendments so that the two Committees can take it into account in their review, in order to avoid any inconsistencies in the different Conventions.

9.8 In considering the issue, some delegations were of the opinion that it would be premature, for the Committee, to review the FAL Convention to address facilitation matters in the context of the treatment of persons rescued at sea, as amendments to the SOLAS and SAR Conventions, prepared by COMSAR 7, had yet to be finalized by MSC 77, which might have impact on such a review.

9.9 Others were of the view that these amendments were not of direct relevance in considering this matter as the Committee was expected to consider the facilitation aspects of this issue only, which are independent of SAR provisions, and it would be more appropriate to establish a working group to deal with the facilitation aspects of the issue during the session under review.

9.10 Some delegations emphasized that when persons are rescued at sea, it was of no relevance to the Master whether the persons rescued are stowaways, refugees or asylum seekers. The Master, under such circumstances, takes into consideration the humanitarian aspect of the situation and explores avenues for the survivors' earliest and safe disembarkation in co-operation with coastal State concerned. They were of the opinion that it should be left to the UNHCR and other relevant UN agencies, which, in association with other bodies concerned, should explore avenues for landing them ashore at the first incidence.

9.11 The representative of UNHCR stated that UNHCR competence with regard to persons rescued at sea relates to the fact that they may include asylum seekers in need of international protection. The UNHCR, as a United Nations specialized agency, worked closely with IMO and the international community in the 1980s to put together arrangements for durable solutions to ensure that refugees were rescued and disembarked, at least on a temporary basis. She expressed UNHCR willingness to assist Governments to fulfil their international obligations and to uphold the search and rescue regime. However, she emphasised that the problems encountered at present involve not just refugees and asylum seekers but also those related to irregular migration and other related issues. Other agencies and the international community also have a role to play in resolving problems arising out of "mixed flows". She highlighted that, as indicated at the inter-agency meeting, legal clarity regarding "delivery to a place of safety" and disembarkation was vital and UNHCR welcomed IMO's efforts in this regard. At the same time, it was felt that international co-operation built around burden-sharing arrangements regarding the processing of asylum applications and solutions for the persons involved would help to address certain rescue-at-sea-situations. She concluded by stating that the UNHCR had followed closely the deliberations on this issue at recent meetings of MSC and the COMSAR Sub-Committee and look forward to offering further assistance to the work of the Committee.

9.12 The Committee noted relevant extracts from the resolution A 57/141 on Oceans and the Law of the Sea, adopted by the General Assembly of the United Nations on 12 December 2002 as follows:

"The General Assembly,

.....

31. *Notes* the increasing problem of unsafe transport at sea generally, and particularly in the smuggling of migrants;

32. *Urges* Member States to work together co-operatively and with the International Maritime Organization to strengthen measures to prevent the embarkation of ships involved in the smuggling of migrants;

33. *Urges* States that have not yet done so to become parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and to take appropriate measures to ensure its effective implementation;

34. *Welcomes* the initiative by the International Maritime Organization, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration to address the issue of the treatment of persons rescued at sea;”

Establishment of the Working Group

9.13 The Committee after an in-depth consideration of the issue, instructed the Working Group to:

- .1 identify administrative procedures for disembarkation of persons rescued at sea;
- .2 identify whether there is a need for establishing a standardized form for recording information on persons rescued at sea;
- .3 review the existing Standards 2.19 to 2.26 and 6.8 to 6.10 of the FAL Convention, taking into account the outcome of consideration of .1 and .2 above;
- .4 consider whether there was a need to amend the following three resolutions:
 - .1 resolution A.773(18) on Enhancement of safety of life at sea by the prevention and suppression of unsafe practices associated with alien smuggling by ships;
 - .2 resolution A.871(20) on Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases; and
 - .3 resolution A.867(20) on Combating unsafe practices associated with the trafficking or transport of migrants by sea; and
- .5 high priorities should be given to .1, .2 and .3 above; and
- .6 report to the plenary on Thursday.

9.14 Upon receiving the report of the working group (FAL 30/WP.2/Add.2), the Committee took action as indicated in the following paragraphs.

9.15 The Committee noted the view of the Working Group that the proposals made by the group, as reflected in its report (FAL 30/WP.2/Add.2), were not exhaustive and, subject to decisions of COMSAR 8 and MSC 77, would be subject to further review and changes.

Administrative procedures for disembarking persons rescued at sea

9.16 The Committee noted that the majority of the group, recognizing that the issue of disembarking persons rescued at sea was a complex one that had been referred to MSC, within the wider context of political questions relating to the persons rescued at sea, believed that it was premature to attempt to develop administrative procedures for disembarkation before policy decisions had been made. The group agreed, however, that any procedure developed should point in the direction of facilitating the disembarkation of survivors to a place of safety as expeditiously as possible.

9.17 The delegation of Bahamas expressed the view that Committee should develop its views on the matter from a facilitation point of view, which should be forwarded to the joint meeting of IMO and other international organizations.

9.18 The Committee further noted the group's view that the identification of any administrative procedures should take into account that when a ship sent a distress message, then that message should contain:

- Name of the ship and call sign;
- Position;
- Nature of distress;
- Assistance required; and
- Any other relevant information

9.19 The Committee also noted that the group had recognized that the distance and location of the ship involved in the disembarkation of persons rescued at sea, in relation to the place of safety, would influence the time available to secure the requisite information.

9.20 After a lengthy discussion, the Committee agreed to further consider the issue at the next session and urged Member Governments to identify administrative procedures for disembarking persons rescued at sea and submit them to FAL 31.

Need for the development of a checklist

9.21 The Committee noted that the majority of the group agreed that, at this stage, the development of a standardized form for recording information on persons rescued at sea was not appropriate as such a form might be considered as a requirement, which needed to be fulfilled by the Master, when rendering assistance to persons in distress at sea and, instead, it would be more appropriate to develop a checklist of information to be used for guidance purposes only. The group prepared a preliminary checklist which comprises the following:

Details of the ship in distress

- Name of ship;
- The Flag it is flying and any other evidence of nationality of the ship;
- Other identifying marks (e.g. IMO reference numbers, port of registry);
- Description and condition of the ship;
- Any indication of port of embarkation;
- Location of ship in distress when distress call received and time of distress call;
- Location and time of embarkation of persons in distress at sea;
- Any indication of speed and direction that the ship in distress had been following.

Details of the persons to whom assistance rendered

- How many were on board ship;
- How many survivors taken on board ship rendering assistance (to ascertain any missing);
- Details of any medical assistance required/provided;
- Identify, if possible, Master and crew;
- Identify how many male/female and adult/child survivors and their prima facie medical and humanitarian requirements;
- Identify if possible, without detailed examination, nationality claimed.

Details of ship rendering assistance

- Master's judgement on continuing safety of his ship;
- Ship's current endurance with additional persons on board;
- Ship's original destination;
- Any special factors (e.g. time sensitive cargo);
- Master's preferred method of resolution of the rescue.

The Master or other parties involved in the operation should pass the above information to the appropriate SARCC which will be under National Control of that Coastal State and should have developed its own procedures.

9.22 Some delegations considered that the inclusion of such detailed information was not necessary, as it would unduly burden the Master of the rescuing ship. Also, many such points were central to the key political issues at hand which are beyond the remit of this Committee.

9.23 The Committee agreed that there was a need for the development of such a checklist and that the preliminary checklist prepared by the group (see paragraph 9.21 above) needed to be further reviewed at a later stage, when administrative procedures for disembarking persons rescued at sea were clearly identified.

9.24 The Committee instructed the Secretariat to keep the Committee informed of the relevant developments in the Organization and other international organizations or fora, including progress on the consolidation of UNHCR guidance on rescued-at sea involving asylum-seekers and refugees (FAL 30/9, annex, page 11, paragraph 16 refers), so that it may have more comprehensive information to make well informed decision.

Review of existing Standards 2.19 to 2.26 and 6.8 to 6.10 of the Convention

9.25 The Committee noted the preliminary draft amendments to the FAL Convention, prepared by the group (FAL 30/WP.2/Add.2, annex) (annex 2), and agreed to further consider them at the next session, taking into consideration relevant developments in the Organization and other international organizations or fora.

Amendments to resolutions A.773(18), A.867(20) and A.871(20)

9.26 The Committee agreed that in the context of measures and procedures for the treatment of persons rescued at sea: facilitation aspects, there was no need, for the time being, to make amendments to the above three Assembly resolutions.

9.27 The Committee instructed the Secretariat to prepare, based on the outcome of FAL 29 and FAL 30, the progress report required by resolution A.920(22).

10 FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF SHIPS

Implementation of the standardized IMO Model FAL Forms

10.1 The Committee considered the extent of implementation of the standardized FAL Forms by 54 Contracting Governments and an Associate Member (FAL 30/10) and was informed by the Secretariat that information had been provided intersessionally by Algeria (FAL.2/Circ.75).

10.2 The Committee noted the information provided by Israel (FAL 30/INF.4) that crew list, passenger list and crew's effects, which are based on the standard IMO Model FAL Forms, were planned to be implemented in Israel as from 1 June 2003 and that delivery Bill-Surface Mail under the universal postal convention of mail and maritime declaration of health were planned to be mandatory in Israel as from 1 April 2003.

10.3 The Committee noted (FAL 30/INF.3) that the European Commission's Directive (Directive 2002/6/EC) on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community, which makes IMO FAL Forms mandatory in EC Member States, had formally entered into force. EC Member States will have to bring into force their national laws, regulations and administrative provisions to comply with the Directive not later than 9 September 2003.

10.4 The Committee urged those Governments which have not so far responded to the request for information, to do so at their earliest convenience, including information on the status of implementation of the new FAL Form 7 on dangerous goods manifest (FAL.2/Circ.51/Rev.1).

11 FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF PERSONS - STOWAWAYS

11.1 The Committee, at its last session, adopted amendments to the Annex to the FAL Convention (resolution FAL.7(29), 10 January 2002), new section of which addresses stowaways. These amendments are expected to enter into force on 1 May 2003.

11.2 Hong Kong, China (FAL 30/11) informed the Committee of the differences between practices of Hong Kong, China and the new section 4 (Stowaways) of the FAL Convention Standards 4.9.2, 4.9.3, 4.10.1 and Recommended Practices 4.14.1, 4.14.2 and 4.14.3.

11.3 The delegation of Singapore stated that: "Singapore would like to refer to the Amendments to the Annex to the FAL Convention which has been endorsed by the majority of Member States of IMO and will come into force on 1 May 2003. We would like to inform the Committee of the difference between the FAL Convention and Singapore's practices. Firstly, Singapore would like to bring to your attention clauses 4.1 and 4.4.1. Given that we are not signatory to the UN Convention relating to the status of Refugees and the UN Protocol relating to the status of Refugees, Singapore would not be bound by the provisions therein. We also refer to Standard 4.9.2 of the said Amendments. Standard 4.9.2 calls for the disembarkation of the stowaways under certain circumstances. This goes against Singapore's national policy which does not allow for the disembarkation of stowaways. As such, Singapore would not be able to comply with Standard 4.9.2".

11.4 The observer from BIMCO stated that BIMCO is deeply concerned with respect to several Contracting State's expressed reluctance to implement the provisions set out in Standard 4.9.2. One of the main objectives of adopting these amendments was to reduce the amount of time stowaways were kept on board ships. This particular standard addresses situations in which the stowaways are in possession of valid travel documents and the public authorities are satisfied that arrangements have been made, or will be made, for the repatriation of the stowaways in question. The purpose of this standard is clearly to expedite the repatriation of stowaways to either their country of residence or port of origin and therefore the implementation of this standard is crucial to ensure the achievement of this goal. BIMCO and its

members look forward to the 1st of May 2003 when the amendments to the Convention addressing stowaways will enter into force, as we expect that the number of Coastal States which have systematically refused to accept the disembarkation of stowaways from ships will be reduced. BIMCO is, however troubled by a recent development in which ships with stowaways on board have been banned from calling at a specific port, and we may report back to the Committee with further details regarding this situation at its 31st session, should the situation at this port remain unchanged.

11.5 The Committee stressed that differences between national practices and the Convention Standards should be notified to the Secretary-General in accordance with article VIII of the Convention.

Stowaway incident reports

11.6 The Committee, while reviewing the information provided by the Secretariat in quarterly and annual reports on stowaway incidents (FAL.2 circulars 72, 73, 74, 76 and 77), noted the following comments:

- .1 there was a limited number of reports submitted in accordance with FAL.2/Circ.50/Rev.1 reporting scheme;
- .2 the reports did always contain consistent and accurate data, in particular, concerning the identification of the ships involved, of the places of embarkation and disembarkation, of the nationality of stowaways and of relevant dates;
- .3 the IMO ship identification number was not always reported;
- .4 the reported nationality of stowaways can be confusing, i.e. not addressing the issue of making a distinction between “Congolese” from the Republic of the Congo” and “Congolese” from the Democratic Republic of the Congo or between “(of) Dominica” from Dominica and “Dominican” from the Dominican Republic;
- .5 only official nationalities can be reported, as opposed to references to ethnics groups or equivalent;
- .6 all interested Parties, i.e. flag States, States of embarkation, States of attempted disembarkation, States of disembarkation, States of repatriation and non-governmental organizations, are not equally reporting to the Organization, thereby distorting the value of the statistics prepared; and
- .7 the annual statistics should include references to the corresponding quarterly circulars.

11.7 The ICS observer indicated that statistics presented to the Committee in FAL.2/Circ.77 were useful to the industry in identifying those higher risk ports where greater anti-stowaway measures needed to be adopted. However, he expressed concern at the relatively small number of reports submitted to the Secretariat by Member States and international organizations and upon which the statistics were based. Interpretation and analysis of too small a sample of stowaway cases could result in both Member States and the shipping industry drawing incorrect conclusions from the consolidated data. ICS asked that Member States and international

organizations be urged, once again, to encourage the collection of reports on stowaway cases and their submission to the Secretariat.

11.8 The Committee, while agreeing that the statistics prepared by the Secretariat contained valuable information regarding the assessment of the Guidelines on the Allocation of Responsibilities to Seek Successful Resolution of Stowaway Cases (resolution A.871(20)), invited Member Governments and non-governmental organizations to submit as many reports on stowaway incidents to the Secretariat as possible.

Harmonization of forms and notifications for the return of stowaways

11.9 The Committee, at its last session, invited Member Governments to submit to this session models of their national forms and notifications used for the return of stowaways and decided that such information should be reviewed with the aim of preparing standard forms to be included in the FAL Convention.

11.10 The Committee, noting that no proposals had been submitted to this session, invited Member Governments to submit their national forms and notifications used for return of stowaways to FAL 31.

Guidelines on stowaways

11.11 The Committee invited Member Governments to submit comments and proposals to strengthen the Guidelines to the next session of the Committee.

11.12 The Committee urged Member Governments and international organizations to continue to report stowaway incidents, and further urged Member Governments to provide the Organization with their national legislations or current practices, in accordance with FAL.2/Circ.50/Rev.1.

12 SHIP/PORT INTERFACE

12.1 The Committee considered under this agenda item the report of the SPI Working Group on its last session (FAL 30/12), the outcome of the relevant sessions of MSC, MEPC and Sub-Committees concerned relevant to the Ship/Port Interface matter (FAL 30/12/1, FAL 30/12/2, FAL 30/12/2/Add.1 and FAL 30/12/3).

12.2 The outcome of the Committee's consideration on the issues raised by the above documents is reflected in the ensuing paragraphs.

REPORT OF THE LAST SESSION OF THE SPI WORKING GROUP

12.3 The Committee recalled that, at its last session, it had received the SPI Working Group's report on urgent matters (FAL 29/WP.2) including the Working Group's Work Programme (FAL 29/WP.2, annex 3), and had taken action as indicated in its report (FAL 29/18, paragraphs 12.23 to 12.29). The Committee, recalling further that it had received an oral progress report by the Chairman of the SPI Working Group on the remaining issues at its twenty-ninth session, considered the report of the Working Group as set out in document FAL 30/12.

12.4 The Committee, having agreed to address the issues referred to in document FAL 30/12, paragraph 5.1 under the Working Group's relevant work items, approved the report in general.

DECISIONS OF OTHER IMO BODIES, RELEVANT TO SHIP/PORT INTERFACE MATTERS

Future work and work method of the SPI Working Group

12.5 The Committee, at its twenty-ninth session, considered the future work and work method of the SPI Working Group, the issue raised by MSC 73 (MSC 73/21, paragraph 2.39), in the context of its strategic review of the FAL Convention and its own work (FAL 29/7). The outcome of the Committee's deliberations on the issue (paragraphs 7.24 to 7.29 and 7.34 of the report of FAL 29 (FAL 29/18)) had been forwarded to the MSC and MEPC for their consideration.

12.6 The Committee noted the outcome of MSC 75 (FAL 30/12/2, paragraph 2) on the issue, in particular, that the MSC noted that the ongoing work on maritime security had injected a new dimension to the importance and significance of the SPI Working Group, which should be seriously considered before any decisions on its future were made and, therefore, had requested the Secretariat to prepare a comprehensive discussion paper on the work of the SPI Working Group for consideration by MEPC 48 and MSC 76 (the Secretariat prepared document MSC 76/22/2 accordingly).

12.7 The Committee also noted that the majority of those who participated in the Meeting of the Chairmen (FAL 30/12/12, paragraphs 6 and 7), admitting that the current status and terms of reference of the Group were unclear, was of the opinion that such clarity was needed. Any modified terms of reference should include, in particular, maritime security issues relating to ship/port interface, taking into account the outcome of the Conference on Maritime Security to be held in December 2002.

12.8 MEPC 48 (FAL 30/12/2, paragraph 8), noting the action of the FAL Committee on the issue agreed that the work programme of the SPI Working Group should be approved by MSC and MEPC in the usual way, pending the outcome of MSC 76.

12.9 The Committee further noted the outcome of MSC 76 (FAL 30/12/2/Add.1) on the issue, and in particular that the Chairman of the MSC concluded that ship/port interface issues were important for the Organization to address and a group dealing with SPI issues was necessary; however, management of the group was the main issue which needed to be considered carefully; there was also a need to consider whether the Group should be under the purview of the FAL Committee, MSC, MSC/MEPC or MSC/MEPC/FAL and also the interface between the three Committees; the current terms of reference of the Group should be reviewed; and, therefore, proposals and comments by Member Governments were needed to consider the matter properly at MSC 77. MSC 76 decided to defer consideration of this issue to the next session and invited Member Governments and international organizations to submit comments and proposals thereon to MSC 77.

12.10 The Committee, recalling its deliberation on the future work and work method of the SPI Working Group at FAL 29 (see paragraph 12.5) and noting that the issue would be considered at MSC 77, invited members to submit comments and proposals to the MSC.

Outcome of the 14th International Symposium on the Transport of Dangerous Goods by Sea and in Land Waters (ISTDG 14)

12.11 The Committee (FAL 30/12/3, paragraphs 10 and 11 and annex) noted resolution 3, adopted by ISTDG 14, on IMO's SPI Working Group.

Outcome of the 6th International Conference on Safety in the Port

12.12 The Committee noted the information provided by Germany (FAL 30/INF.2) on the outcome of the 6th International Conference on Safety in the Port Environment (Shifting responsibilities between land and ship-side operations), which took place in Bremen from 8 to 10 October 2001.

Work Programme of the SPI Working Group

12.13 The Committee, recalling that at the last session it had approved the revised work programme of the SPI Working Group as far as facilitation-related items were concerned (FAL 29/18, annex 5) noted that MSC 75 (FAL 30/12/1, annex) had approved as far as safety-related items were concerned the SPI Working Group's work programme.

SUB-ITEM 12.1 – UPDATING OF THE BIBLIOGRAPHY

12.14 The Committee recalled that at the last session, it had approved a list of updated information (FAL 29/WP.2, annex 1) for inclusion in the bibliography, and noting that no document had been submitted for this session, invited all organizations listed in the circular (FAL.6/Circ.9/Rev.1) to provide the Secretariat with an update on their publications.

12.15 The Committee, noting that no document was submitted under this sub-item, instructed the Secretariat to update the bibliography with regard to the new SOLAS chapter XI-2 and the ISPS Code.

SUB-ITEM 12.2 – AVAILABILITY OF TUG ASSISTANCE

12.16 The Committee noted that MSC 75 (FAL 30/12/1, paragraph 3) in considering the draft MSC/MEPC/FAL circular on Availability of tug assistance, prepared by the SPI Working Group during FAL 29 (FAL 30/12, annex 2), acknowledged the need for the annex to the circular to be available in French and Spanish as well and requested the SPI Working Group to reconsider the contents and status of the draft circular and report to MSC 77 and instructed the secretariat to inform the MEPC and the Committee accordingly.

12.17 The Committee was informed by the Secretariat that upon contacting the Nautical Institute, it had clarified that the Institute's publication "Tug use in ports" was available in English only and, for the time being, the Institute has no plans to translate the text of the publication into French and Spanish.

12.18 The Committee instructed the SPI Working Group to reconsider the contents and status of the circular, as requested by MSC 75.

SUB-ITEM 12.3 – DEVELOPMENT OF A MANUAL ON LOADING AND UNLOADING OF SOLID BULK CARGOES FOR TERMINAL REPRESENTATIVES

12.19 The Committee noted that MSC 75 (FAL 30/12/1, paragraphs 4 and 5), noting that the SPI Working Group considered the outcome of the Manual to be developed and, in order to assist DSC 7 in the development of the Manual, certain members of the group had volunteered to provide additional text by way of correspondence to be submitted to DSC 7, instructed DSC 7 to continue to develop the Manual, taking into account any input from the SPI Working Group.

12.20 The Committee further noted that MSC 76 (FAL 30/12/3, paragraphs 4 to 9), noting the debate at DSC 7 and, having considered the Sub-Committee's request to it to decide whether work on this item should be discontinued or whether it should be resumed either along the initial directions or on the basis of modified ones, as may be agreed by the MSC, had decided that the work on the development of the Manual on loading and unloading of solid bulk cargoes for terminal representatives should be continued and the risk control measure prepared by the Bulk Carrier Safety Working Group (MSC 76/WP.16) be addressed in the Manual.

12.21 The Committee referred the matter to the SPI Working Group.

SUB-ITEM 12.4 - DEVELOPMENT OF GUIDELINES FOR THE TRAINING OF PORT MARINE PERSONNEL

12.22 The Committee noted that MSC 75 (FAL 30/12/1, paragraphs 6 and 7), in considering the report of the SPI Working Group on the issue (MSC 75/2/3/Add.2, paragraphs 7 to 17), noted the Group's views and action on the development of Guidelines for the training of port marine personnel and its proposal to restrict the item to "Development of guidance for minimum training and education requirements for mooring services personnel", with a target completion date of 2004. The MSC instructed the SPI Working Group to reconsider the matter and provide MSC 77 with a justification for the work in accordance with the Guidelines on the organization and method of work (MSC/Circ.931).

12.23 The Committee instructed the SPI Working Group to reconsider the matter, as instructed by MSC 75.

RECONVENING OF THE SPI WORKING GROUP

12.24 The Committee reconvened the SPI Working group and instructed it to:

- .1 reconsider the contents and status of the draft MSC/MEPC/FAL circular on Availability of tug assistance (FAL 30/12, annex 2), taking into account comments made in plenary;
- .2 revisit the issue on development of a manual on loading and unloading of solid bulk cargoes for terminal representatives taking into consideration the instruction by MSC 76;
- .3 reconsider the issue of Development of guidelines for the training of port marine personnel as urgent and provide justification for the work in accordance with the Guidelines on the organization and method of work of the MSC/MEPC (MSC/Circ.931, as amended); and

.4 report to the Committee on Thursday morning.

12.25 The Committee reminded the SPI Working Group of the instruction given to it with regard to the measures to enhance maritime security issue (see paragraph 8.6).

12.26 On receiving the SPI Working Group's report (FAL 30/WP.1), the Committee approved the report in general and in particular, took action as indicated in the ensuing paragraphs.

Updating of the bibliography

12.27 The Committee endorsed the Working Group's request to delete the continuous work programme item "Updating of the bibliography" from its work programme and instructed the Secretariat to continue updating the list (FAL 6/Circ.9/Rev.1 and Corr.1).

Availability of tug assistance

12.28 The Committee approved the draft MSC/MEPC/FAL circular, on Availability of tug assistance (FAL 30/WP.1, annex 1), as amended and set out in annex 3, and deleted the item from the work programme of the Group and invited MSC and MEPC to concur with the Committee's decision.

Development of a Manual on loading and unloading of solid bulk cargoes for terminal representatives

12.29 The Committee noted that the SPI Working Group, noting the decision of MSC 76 that the work on the development of a Manual on loading and unloading of solid bulk cargoes for terminal representatives should be continued and the risk control measure proposed by the Bulk Carrier Safety Working Group (MSC 76/WP.16, paragraphs 30 and 31) should be addressed in the Manual, had considered the issue, as far as ports and terminals are concerned, and agreed that, while the outline and draft text submitted to DSC 7 (DSC 7/9/1) addressed all those issues identified by the Bulk Carrier Working Group, only "Ship/Shore Communication" had been adequately covered and that the other two areas ("Training of stevedores and terminal operators" and "Better control of loading capabilities") would require further considerations, when the text is drafted.

12.30 The Committee, further noting that the SPI Working Group had agreed to request MSC to delete this item from its work programme, as the MSC had tasked the DSC Sub-Committee with the development of the Manual, instructed the Secretariat to submit the outcome of the Group's consideration on the issue to MSC 77.

Development of guidelines for the training of port marine personnel

12.31 The Committee considered the justification for the work on the development of guidance for minimum training and education requirements for mooring services personnel, prepared by the SPI Working Group (FAL 30/WP.1, annex 2), as instructed by MSC 75 and the Committee, and having agreed to change the title of the work item to "Guidelines on minimum training and education for shore side mooring personnel" to clearly indicate that the Guidelines are directed to shore side personnel; approved it, as set out in annex 4; and invited MSC 77 to concur with the decision of the Committee.

12.32 The Bahamas and Cyprus were of the view that the SPI Working Group did not provide sufficient justification for the work on the development of the Guidelines and therefore it should not be forwarded to MSC 77.

MEASURES TO ENHANCE MARITIME SECURITY

Training guidance

12.33 The Committee noted that, in considering the issue of the development of training guidance such as model courses for ship security officers, company security officers, port facility security officers and company, ship and port security personnel (operative paragraph 1(a) of Conference resolution 3), in co-operation with the STW Sub-Committee, there was consensus within the SPI Working Group that it would be the responsibility of ILO to develop training guidance for the port facility security officers and other port security personnel, as these persons are shore personnel and do not fall under the STCW Convention. However, since it is important that there is a consistency in the approaches on training for ship and shore personnel, the Working Group recommended that the IMO/ILO Working Group to be established is tasked with providing the necessary interface between ILO and the STW Sub-Committee.

12.34 The Committee noted that the Group had prepared a draft outline for the development of a model course for Port Facility Security Officer (FAL 30/WP.1 and annex 3) and recommended that the outline be forwarded to ILO and the STW Sub-Committee for consideration. The Committee instructed the Secretariat to convey the outcome of the SPI Working Group on this issue to STW 34 and MSC 77 accordingly.

Floating production stowage units and floating storage units

12.35 The Committee noted that the SPI Working Group had reviewed the aspect of security of ships to which SOLAS chapter XI-2 applies when interfacing with floating production storage units and floating storage units (operative paragraph 1(f) of Conference resolution 3) and concluded that there is a difference between those units and fixed drilling platforms or offshore mobile drilling units insofar that the latter are normally not visited by ships engaged in international voyages to which chapter XI-2 of SOLAS and the ISPS Code applies.

12.36 However, floating production storage units and floating storage units are normally regularly engaged in ship/port interface activities (loading/unloading) with ships to which chapter XI-2 of SOLAS and the ISPS Code apply and these ships may face difficulties in the next port of call, if they come from a facility that does not fulfil the security requirements of the ISPS Code.

12.37 Exploring the possibilities of a solution, the Working Group recognized that there are two types of production storage units and floating storage units. The first category are such units, that are floating tanks, which are not able to move on their own, are not in the possession of convention certificates, and do not have a ship's crew on board. The Working Group, therefore, recommended that Contracting Governments to SOLAS, in which territory such a unit is anchored or moored, be invited to declare this unit to be a port facility to which Chapter XI-2 and the ISPS Code applies.

12.38 The second category are ships, that fall under the maritime conventions, have convention certificates, and a ship's crew on board, and are capable of moving under their own power. The Working Group recommended that these ships should be treated as ships falling under

Chapter XI-2 and the ISPS Code, even if they are anchored or moored for an indefinite period and not engaged in international voyages.

Need for further guidance to ensure global, uniform and consistent implementation of the ISPS Code

12.39 The Committee further noted that the Group in discussing the issue of the need and, if necessary, development of any other guidance or guidelines to ensure global, uniform and consistent implementation of the provisions of chapter XI-2 or Part A of the ISPS Code (operative paragraph 1(a) of Conference resolution 3, had concluded that, since Member Governments are only beginning to implement the requirements, no experience has been gained in the Code's application, and as no difficulties have been reported, it would be premature to make any recommendations; as it would be impossible to demonstrate the compelling need for any additional guidance.

Co-operation with ILO

12.40 On co-operation with ILO (operative paragraph 5 of Conference resolution 8), the Committee noted that the SPI Working Group had agreed that at this stage the only assistance which they are able to provide to ILO is the outline of the model course for Port Facility Security Officers (see paragraph 12.34 above) and had offered the expertise of the members of the group in case of need.

13 FACILITATION ASPECTS OF OTHER IMO FORMS AND CERTIFICATES

Harmonization of certificates and documents

13.1 The Committee, at its twenty-ninth session (FAL 29/18, paragraphs 10.3 to 10.5), considered the report of the correspondence group on Harmonization of certificates and documents (FAL 29/10/Rev.1) and the view of IACS (FAL 29/10/1), highlighting practical difficulties in combining certificates. The Committee could not reach a unanimous decision on whether to continue the work and invited the MSC and MEPC to consider the pros and cons of such harmonization (paragraph 10.5 of FAL 29/18) and advise the Committee on the issue.

13.2 The Committee noted (FAL 30/13 and FAL 30/2, paragraph 26) that MSC 75 had considered the issue and, recognizing that there would be little practical benefits from this exercise, agreed not to pursue the issue for the time being, leaving it to be revisited should any form of suitable technology be developed in the future enabling certificate merger. MEPC 48 concurred with the decision taken by MSC 75.

13.3 The Committee agreed not to pursue the issue for the time being and delete this sub-item "Harmonization of certificates and documents" from the Committee's work item.

List of certificates and documents required to be carried on board ships

13.4 The Committee recalled that it had, in the past, prepared list of certificates and documents required to be on board ships and that the latest revised list, which had been prepared at FAL 27 and endorsed by MSC 72 and MEPC 44, was circulated by joint FAL/Circ.90/MEPC/Circ.368/MS/Circ.946 (3 July 2000).

13.5 The Committee, recognizing that already more than two years had passed since the issuance of the revised list, agreed that there was a need to update the list, and instructed the Secretariat to prepare draft updated list and submit it to MSC, MEPC and the Committee for consideration.

14 TECHNICAL CO-OPERATION SUBPROGRAMME FOR FACILITATION

International Technical Co-operation Programme (ITCP)

14.1 The Committee (FAL 30/2/1, paragraph 12) noted that the TCC had noted that an important element of the development process of the ITCP was the identification of thematic priorities by the technical Committees (i.e., MSC, LEG, MEPC and FAL) and, therefore, suggestions for changing these priorities should be made through those Committees.

14.2 The Committee reviewed the facilitation- related thematic priorities and agreed on the following thematic priorities for inclusion in the ITCP for the 2004-2005 biennium (FAL 30/WP.6, paragraph 2, as amended), and instructed the Secretariat to inform TC 53 accordingly:

- .1 enhancing facilitation of maritime traffic in the context of maritime security;
- .2 fostering the wider acceptance of the FAL Convention and the 1991 amendments to the IMO Convention aiming at institutionalising the FAL Committee and the effective implementation of the FAL Convention;
- .3 contributing to capacity-building in maritime Administrations in respect of training, assessment and examination responsibilities and quality standards relating to the FAL Convention;
- .4 supporting Administrations to introduce and adopt electronic data processing and interchange techniques based on Electronic Data Interchange Maritime (EDIMAR) standards or other internationally accepted relevant standards to facilitate the clearance of ships, crews, passengers and cargo, effective port operation and vessels' turnaround;
- .5 supporting training of personnel involved in ship/port interface activities with the aim of raising awareness and understanding of their responsibilities and improving communication and co-operation between all parties involved at the ship/port interface, including administrations.

Access to IMO instruments in electronic format

14.3 The Committee (FAL 30/2/1, paragraphs 19 to 23) noted the outcome of TC 52 on access to IMO instruments in electronic format.

FAL Seminars

14.4 The Committee was informed by the Secretariat that following FAL seminars assessment missions had been planned for 2003:

- .1 Assessment missions to African countries to make an assessment on the impact of previous FAL seminars;
- .2 One regional FAL seminar for Arab States;
- .3 One regional FAL seminar for Pacific Islands.

15 RELATIONS WITH OTHER ORGANIZATIONS

15.1 The Committee instructed the Secretariat to keep the Committee updated on the developments in the World Trade Organization (WTO) and other international organizations, such as UN/ECE and UNCTAD on trade facilitation.

16 INSTITUTIONALIZATION OF THE FACILITATION COMMITTEE

16.1 The Committee, at its twenty-ninth session (FAL 29/18, paragraphs 14.1 and 14.2), noting with concern that the 1991 amendments to the IMO Convention aiming at institutionalizing the Committee had been adopted only by 58 Member States, urged Member Governments to consider accepting those amendments as soon as possible, pointing out that doing so would entail no financial consequences.

16.2 The Committee noted (FAL 30/16) that the Council, at its eighty-eighth session (10 to 14 June 2002), noting that 42 acceptances were still needed to fulfil the requirements for the entry into force of the 1991 amendments to the IMO Convention (resolution A.724(17)), re-emphasized the importance of its early entry into force and adopted resolution C.75(88) entitled "1991 amendments to the Convention of the International Maritime Organization (Institutionalization of the Facilitation Committee)" (FAL 30/16, annex).

16.3 The Committee expressed its appreciation on the initiatives the Secretary-General had taken to encourage further acceptances and for bringing this issue to the Council and for the action taken by the Council in this regard.

16.4 The Committee noted (FAL 29/14) that the 1991 amendments to the IMO Convention had so far been adopted by 76 Member States. Although this represents a significant increase of acceptances since the last session of the Committee, 32 acceptances were still needed to fulfil the requirements for the entry into force of the 1991 amendments.

16.5 The Committee urged Member Governments to accept the 1991 amendments to the IMO Convention at their earliest convenience and stressed that these amendments have no financial implications for countries accepting them.

17 WORK PROGRAMME AND DATE OF NEXT SESSION

Work programme

17.1 On the basis of the progress made during the session, the Committee reviewed and revised its work programme, approved a list of substantive items to be included in the agenda for its thirty-first session (FAL 30/WP.3, annex, as amended), and invited the Council to approve them (annex 5).

Long-term work plan

17.2 As requested by the Assembly, at its twenty-second session in resolution A.907(22), the Committee considered, for submission through the Council to the twenty-third session of the Assembly, proposals on its long-term work plan (up to 2010) (FAL 30/WP.3, annex 2, as amended) and agreed on the plan it intended to pursue, as set out in annex 6.

17.3 In the light of its future work plan and short-term workload, the Committee agreed to recommend to the Council that it be allocated two meeting-weeks in the biennium 2004-2005.

17.4 Cyprus did not agree with the above proposed two meeting-weeks for the Committee in the biennium 2004-2005.

Dates of next session

17.5 The Committee noted that its thirty-first session has tentatively been scheduled to take place from 15 to 19 March 2004.

Work programme of the SPI Working Group

17.6 The Committee considered the proposed revised work programme of the SPI Working Group (FAL 30/WP.1, annex 4) and approved it, as far as facilitation related items are concerned, as set out in annex 7.

18 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2004

18.1 The Committee unanimously re-elected Mr. C. Abela (Malta) as Chairman and Captain M. A. de Almeida (Brazil) as Vice-Chairman for 2004.

19 ANY OTHER BUSINESS

International Health Regulations

19.1 The Committee, at its last session, was informed by the Secretariat that World Health Organization (WHO) was reviewing the WHO International Health Regulations IHR., and was further advised that the Committee would be informed of the developments in reviewing the Regulations in order for the Committee to see if any implications on the relevant provisions of the Convention, which addresses matters relating to public health and quarantine, etc. from the ship's clearance point of view, referring to the IHR.

19.2 The Secretariat informed the Committee that the WHO was in the process of developing draft revised IHR and the draft would be available in the first half of this year. The Committee instructed the Secretariat to keep it informed of the relevant developments in WHO.

Expression of appreciation

19.3 The Committee, being informed of the decision of the Chairman of the SPI Working Group Mr. H.J. Roos (Germany) to retire from that office after more than 10 years of service at the end of 2003, expressed appreciation to him for his long-standing commitment, dedication, tireless efforts and hard work to keep the SPI Working Group on track through sometimes rough seas and wished him every success in his future career.

19.4 The Committee expressed appreciation to Mr.A.A.de Lijster (Netherlands), who had recently retired, for his invaluable contribution to its work and wished him a long and happy retirement.

Expression of condolences

19.5 The Committee, being informed of the untimely and unexpected passing of Mr. Jeong Soon-seok, First Secretary (Maritime Affairs), Embassy of the Republic of Korea, expressed its deep condolences to the delegation of the Republic of Korea and requested that they be passed to the family and colleagues of Mr. Jeong Soon-seok.

20 REPORT TO THE COUNCIL

The Council is invited to:

- .1 note the approval of amendments to the IMO Compendium on Facilitation and Electronic Business (FAL.5/Circ.15/Corr.1) and of FAL.5/Circ.19 on E-address (paragraphs 5.12 and 5.13);
- .2 note the Committee's decision to develop a questionnaire to obtain up-to-date information on differences to Standards and Recommended Practices contained in the annex to the FAL Convention; and to approve an associated FAL Circular (FAL.3/Circ.184) (paragraphs 7.25 to 7.27);
- .3 endorse the establishment of a correspondence group to develop an explanatory Manual to the FAL Convention (paragraph 7.30);
- .4 note the Committee's action on facilitation aspects in the context of maritime security (paragraphs 8.11 to 8.19);
- .5 note the Committee's action on facilitation aspects relating to measures and procedures for the treatment of persons rescued at sea (paragraphs 9.16 to 9.24);
- .6 note the Committee's action on the issue of stowaways (paragraphs 11.8 to 11.12);
- .7 note the Committee's decision on the availability of tug assistance (paragraph 12.28 and annex 3);
- .8 note the Committee's decision on the development of Guidelines on minimum training and education for shore-side mooring personnel (paragraph 12.31 and annex 4);
- .9 note the SPI Working Group's action on measures to enhance maritime security (paragraphs 12.33 to 12.40);
- .10 note the Committee's decision on harmonization of certificates and documents (paragraph 13.3);
- .11 note the Committee's decision on updating of certificates and documents required to be carried on board ships (paragraph 13.5);

- .12 note the Committee's action on facilitation-related thematic priorities for the ITCP for the 2004-2005 biennium (paragraph 14.2);
- .13 note the Committee's action on expediting its institutionalization (paragraphs 16.2 to 16.5);
- .14 approve the list of substantive items to be included in the agenda for the Committee's thirty-first session (paragraph 17.1 and annex 5);
- .15 approve the Committee's long-term work plan (up to 2010) and forward it to the Assembly for endorsement (paragraph 17.2 and annex 6);
- .16 approve two meeting-weeks for the Committee in the biennium 2004-2005 (paragraph 17.3);
- .17 note the Committee's action in respect of the SPI Working Group's work programme (paragraph 17.6 and annex 7); and
- .18 approve the report in general.

ANNEX 1

**AGENDA FOR THE THIRTIETH SESSION INCLUDING
A LIST OF DOCUMENTS**

1 Adoption of the agenda

Circular letter No.2394	Secretariat
FAL 30/1	Secretariat
FAL 30/1/1	Secretariat
FAL 30/1/2	Secretariat

2 Decisions of other IMO bodies

FAL 30/2	Secretariat
FAL 30/2/1	Secretariat

3 Convention on Facilitation of International Maritime Traffic

FAL 30/3	Secretariat
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4 Consideration and adoption of proposed amendments to the Annex to the Convention

No document issued under this agenda item.

5 Electronic means for the clearance of ships

FAL 30/5	Netherlands (on behalf of the Correspondence Group)
FAL 30/5/1	Netherlands
FAL 30/INF.5	Netherlands (on Behalf of the Correspondence Group on E-business)
FAL 30/WP.5 and Add.1	Working Group

6 Application of the Committee's Guidelines

FAL 30/6	Secretariat
FAL 30/6/Add.1	Secretariat

7 General review of the Convention including harmonization with other international instruments

FAL 30/7	Secretariat
FAL 30/7/1	Secretariat
FAL 30/7/1/Add.1	Secretariat

FAL 30/7/2	Secretariat
FAL 30/7/3	Netherlands
FAL 30/WP.2	Working Group
FAL 30/WP.5 and Add.1	Working Group

8 Prevention and suppression of acts of terrorism against shipping: Facilitation aspects

FAL 30/8	Secretariat
FAL 30/WP.2/Add.1	Working Group

9 Measures and procedures for the treatment of persons rescued at sea: Facilitation aspects

FAL 30/9	Secretariat
FAL 30/9/Add.1	Secretariat
FAL 30/9/Add.2	Secretariat
FAL 30/WP.2/Add.2	Working Group

10 Formalities connected with the arrival, stay and departure of ships

FAL 30/10	Secretariat
FAL 30/INF.3	European Commission (EC)
FAL 30/INF.4	Israel

11 Formalities connected with the arrival, stay and departure of persons - Stowaways

FAL 30/11	Hong Kong, China
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12 Ship/port interface

FAL 30/12	SPI Working Group
FAL 30/12/1	Secretariat
FAL 30/12/2	Secretariat
FAL 30/12/2/Add.1	Secretariat
FAL 30/12/3	Secretariat
FAL 30/INF.2	Germany
FAL 30/WP.1	SPI Working Group

13 Facilitation aspects of other IMO forms and certificates

FAL 30/13	Secretariat
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14 Technical co-operation sub-programme for facilitation

FAL 30/WP.6 Chairman

15 Relations with other organizations

No document issued under this agenda item.

16 Institutionalization of the FAL Committee

FAL 30/16 Secretariat

17 Work programme and date of next session

FAL 30/WP.3 Chairman

18 Election of Chairman and Vice-Chairman for 2003

No document issued under this agenda item.

19 Any Other Business

No document issued under this agenda item.

20 Report to the Council

FAL 30/WP.4 and Add.1 Committee

Information papers

FAL 30/INF.1	-	List of participants
FAL 30/INF.6	-	List of documents

ANNEX 2

DRAFT AMENDMENTS TO THE FAL CONVENTION, 1965

Amendment to Standard 2.19:

*H. Special measures of facilitation for ships calling at ports in order to put ashore sick or injured crew members, passengers, **persons rescued at sea** or other persons for emergency medical treatment.*

2.19 Standard. Public authorities shall seek the co-operation of shipowners to ensure that, when ships intend to call at ports for the sole purpose of putting ashore sick or injured crew members, passengers, **persons rescued at sea**, or other persons for emergency medical treatment, the master shall give the public authorities as much notice as possible of that intention, with the fullest possible details of the sickness or injury and of the identity and status of the persons.

Amendment to Standard 6.8:

C. Emergency Assistance

6.8 Standard. Public authorities shall facilitate the arrival and departure of ships engaged in disaster relief work, **the rescue of persons in distress at sea**, the combating or prevention of marine pollution, or other emergency operations **designed to enhance** maritime safety, **the safety of life at sea**, the safety of the population or the protection of the marine environment.

New Standard 6.9.1

6.9.1 Standard. Public Authorities responsible for the co-ordination of search and rescue operations or the master of a ship which has rescued persons at sea, may request appropriate Public Authorities to accept the disembarkation of such persons at a place of safety. Appropriate Authorities includes Authorities in either the next scheduled port of call, authorities in a place of safety closest to the position where the persons were rescued or closest to the actual position of the ship in case it continues its planned voyage. Authorities, which have been requested to accept disembarkation, shall co-operate with the master of the ship and/or the requesting public Authority in order to ensure the disembarkation of the rescued persons and the provision for their medical and other needs.

ANNEX 3

DRAFT MSC/MEPC/FAL CIRCULAR

SHIP/PORT INTERFACE

Availability of tug assistance

1 The Maritime Safety Committee [at its seventy-seventh session (28 May to 6 June 2003)], the Marine Environment Protection Committee [at its forty-ninth session (14 to 18 July 2003)] and the Facilitation Committee [at its thirtieth session (27 to 31 January 2003)], recognizing the importance of the provision of adequate tug assistance in ports for ensuring maritime and port safety, the protection of the marine environment and the facilitation of maritime traffic, approved the issuance of this circular to assist port authorities and port operators in assessing the adequacy of the tug services in their ports.

2 The annex to this circular, which contains a detailed list of the contents of the Nautical Institutes publication ‘Tug Use in Ports – A Practical Guide’*, provides guidance for conducting such an assessment. The key elements to be considered, when carrying out the assessment, are those highlighted in bold italics. Presently this publication is only available in the English language.

3 Member Governments are invited to bring this circular to the attention of administrations, port authorities, port operators, pilot organizations and tug services.

* The publication (ISBN 1 870077 39 3) can be obtained from;

The Nautical Institute
202 Lambeth Road
London SE1 7LQ
United Kingdom
Tel: +44 0207 928 1351
Fax: +44 0207 401 2817
E-mail: pubs@nautinst.org
Website : www.nautinst.org

ANNEX

**LIST OF CONTENTS OF THE PUBLICATION
“TUG USE IN PORTS – A PRACTICAL GUIDE”**

Remark:

The Chapters are shown in bold capital letters, while the section headings are shown in bold letters.

Key elements to be considered when conducting an assessment on the adequacy of tug services are highlighted in bold italics.

Acknowledgement
Foreword

Author’s preface
Tug-use in Port- The Overview
Glossary of Terms
List of figures

CHAPTER ONE - TUG DESIGN FACTORS

1.1 Differences in Tug Design and Assisting Methods

1.2 Factors influencing tug type and tug assistance

1.2.1 Categories of port and their approaches

- a. Conventional ports
- b. Ports with mainly terminals
- c. Ports with mainly piers and jetties
 - Ports under developments
 - Port approaches

1.2.2 Environmental conditions

1.2.3 The ships concerned

1.2.4 Services required in and around the harbour

1.2.5 Assisting method in use

1.2.6 Available experience

1.2.7 Safety requirements

1.2.8 Summary

1.3 Types of Tug

1.4 Assisting methods

1.5 Conclusions

CHAPTER TWO – TYPES OF HARBOUR TUG

2.1 Classification of Harbour Tug types

- a) Tugs with their propulsion aft and towing point near midships. These are conventional types of tug.
- b) Tugs with their towing point aft and propulsion forward of midships. These are tractor tugs.

2.2 Important general requirements and/or good tug performance

2.2.1 *Tug performance and safety*

- *Response time*
- *Effectiveness and safety of operations*
- *Required manoeuvring space*

2.2.2 Wheelhouse construction and layout

- Visibility
- Manoeuvring stations
- *Communication*

2.2.3 Tug superstructure and underwater design

2.2.4 Fendering

2.3 Conventional types of tug

2.3.1 General

2.3.2 Propulsion and rudders

- Propulsion and propeller control
- Propeller efficiency and manoeuvrability
- Movable flap-rudders
- Schilling rudders
- Flanking rudders

- Towmaster system
- Other systems
- Bow thruster

2.3.3 *Manoeuvring conventional tugs*

- Single screw tugs
- Twin screw tugs

2.3.4 *Conventional tugs in shiphandling*

2.4 Combi-Tugs

2.4.1 *Designing and manoeuvring combi-tugs*

2.4.2 *Combi-tugs in shiphandling*

2.5 Tractor-tugs with cycloidal propellers

2.5.1 Design

2.5.2 Propeller control

2.5.3 *Manoeuvring*

2.5.4 *VS tugs in shiphandling*

2.6 Tractor tugs with azimuth propellers

2.6.1 Design

2.6.2 Propeller control

2.6.3 *Manoeuvring*

2.6.4 *Azimuth tractor tugs in shiphandling*

2.7 Reverse-tractor tugs

2.7.1 Design

2.7.2 *Propeller control, manoeuvring capabilities and shiphandling*

2.8 Azimuth Stern Drive (ADS) tugs

2.8.1 Design

2.8.2 *Propeller control, manoeuvring capabilities and shiphandling*

2.9 Tug performance

CHAPTER THREE - ASSISTING METHODS

3.1 Introduction

In ports tugs may render one of the following services:

- *Tug assistance during a transit to or from the berth including assistance during mooring and unmooring operations*
- *Tug assistance mainly during mooring and unmooring operations only)*
- *Giving steering assistance and controlling ship's speed*
- *Compensating for wind and current during transit while a ship has speed*
- *Controlling traverse speed towards a berth while compensating for wind and current during mooring/unmooring operations*

3.2 Assisting methods

3.2.1 Assisting methods in use

There are only two markedly different assisting methods

- *Tugs towing on a line*
- *Tugs operating at a ship's side*
- Tugs alongside during approach to the berth and pushing or push while mooring
- Forward tug alongside and aft tug on a line during approach towards a berth and push-pull while mooring
- Tugs towing on a line during transit towards a berth and while mooring
- Tugs towing on a line during approach towards a berth and push-pull while mooring
- Combinations of above systems

3.2.2 Relationship between type of tug and assisting method

3.3 Tug assistance in ice

3.3.1 Introduction

3.3.2 Types of ship for manoeuvring in ice

3.3.3 Preparation before berthing or unberthing

3.3.4 Tugs and tug assistance

3.4.4 Berthing in ice

3.4.5 Unberthing in ice

3.4.6 Safety of tugs in ice

CHAPTER FOUR – TUG CAPABILITIES AND LIMITATIONS

4.1 Introduction

Apart from the essential issue of bollard pull, two very important aspects are considered:

- *Correct tug positioning*
- *The right type of tug*

4.2 Basic principles and definitions

4.2.1 Pivot point

4.2.2 Towing point, pushing point and lateral centre of pressure. Direct towing and indirect towing. Skegs

- The towing point
- The lateral centre of pressure
- Direct and indirect towing method
- Pushing point
- Skegs and their effect

4.2.3 Stability

- High GM and good dynamic stability
- Reducing the transverse resistance of the hull
- Reducing the height of the towing point
- Reducing the height of the pushing point
- A towline with good shock absorption characteristics
- Tug freeboard being such that the deck edge is not immersed at too small a heeling angle

4.3 Capabilities and limitations

4.3.1 *Capabilities and limitations of tug types*

- Tugs towing on a line
 - Forward tugs towing on a line
 - Stern tugs towing on a line

- Tugs operating at a ship's side
 - Pushing method
 - Pulling mode
 - Stopping assistance
- Summary
 - Conventional tugs
 - Tractor and reverse-tractor tugs
 - ADS-tugs

4.3.2 *Effectiveness of tug types*

- Performance diagrams
 - Performance of a conventional and an ADS-tug when pushing at a ship underway at speed
 - Performance of an ADS and VS tug while towing on a line
- Speed control – braking assistance

4.3.3 *Effective tug position*

4.3.4 *Towing on a line compared with operating at a ship's side*

4.4 Operational limits

4.5 Design consequences

4.6 Conclusion regarding tug types

4.7 Some other practical aspects

- *Co-operation*
- *Communications between pilots and tug captains*
- *Tug use*
- *Speed*
- *Decreasing effectiveness of tugs when a ship gathers speed*
- *Ship pulled or pushed around by a bar tug gathers speed*

CHAPTER FIVE – BOLLARD PULL REQUIRED

5.1 Introduction

- The phase whereby a ship has reasonable speed
- The intermediate phase
- The phase involving the final part of the arrival manoeuvre

5.2 Factors influencing total bollard pull required

The following main factors influence tug assistance:

- *Port particulars, including:
Restrictions in the fairway, port entrance, passage to a berth, turning circle, manoeuvring space at a berth or harbour basin, available stopping distance, locks, bridges moored vessels, water depths, speed restrictions, and so on.*
- *Berth construction, including:
Type of berth: open, e.g. jetty, or solid*
- *The ship, including:
Type, size, draft and underkeel clearance, trim, windage, and factors such as engine power ahead/astern, propeller type, manoeuvring performance and availability of side thrusters and specific rudders*
- *Environmental conditions, including:
Wind, current, waves, visibility, ice*
- *Method of tug assistance, including:
Towing on a line, operating at a ship's side or a combination of methods*

5.2.1 Wind forces

5.2.2 Current forces

5.2.3 Wave forces

5.2.4 The effect of ship's mass and berth construction

5.2.5 Tug wash effect

5.3 Bollard pull required

5.3.1 Bollard pull required based on environmental conditions and displacement

- *Ships affected by current, wind and/or waves*
- *Ships with large displacements*

5.3.2 Number and total bollard pull of tugs a used in a number of ports

5.3.3 Summary

5.3.4 Influence of tariffs on availability and number of tugs used

CHAPTER SIX – INTERACTION AND TUG SAFETY

6.1 Introduction

6.2 Interaction and shallow water effects

6.2.1 Interaction effects influencing tug performance

- Tug-propeller – tug hull interaction
- Interaction of tug propellers
- Tug – ship interaction due to tug fendering
- Tug – towline interaction
- Tug propeller – ship hull interaction
- Tug hull – ship hull interaction
- Ship propeller/ship hull – tug interaction

6.2.2 Shallow water effects with respect to tug assistance

- Increase of bank suction and bow cushion effects
- Decrease of rudder effect
- Possible increment of transverse effect of the propellers
- Increase of turning circle radius
- Increase of stopping distance due to larger virtual mass

6.2.3 Interaction effects influencing tug safety

- Flow pattern around a ship
- Tug – ship interaction with respect to tug safety

6.2.4 Tug – ship interaction with respect to tug performance

6.3 Tug safety

6.3.1 Introduction

6.3.2 Coming alongside and departing from a ship's side

6.3.3 Passing a towline near the bow

6.3.4 Passing a towline at the stern

6.3.5 Overtaking a bow tug on a line – Girting – Tripping

6.3.6 Forward tug steering broadside

6.3.7 Stern tug steering broadside

6.3.8 Stern tug manoeuvring from a stand by position on starboard or port quarter towards a position astern of the ship

6.3.9 Stern tug manoeuvring from starboard to port quarter or vice-versa

6.3.10 Tug operating at ship's side

6.3.11 Fog

6.3.12 Some other practical aspects

- Bulbous bows
- Releasing towlines
- Underestimating wind and current forces
- Sudden changes in a ship's heading and speed
- Ship design consequences
- Information exchange pilot-shipmaster-tug captain
- Operating bow-to-bow

6.4 Summary and conclusions

CHAPTER SEVEN – TOWING EQUIPMENT

7.1 Introduction

7.2 Additional towing points and gob ropes

- Radial system
- Additional fixed towing points
- Gob rope system

7.3 Towing bitts, hooks and winches

7.3.1 Method of towing and varying towline lengths

7.3.2 Towing hooks

7.3.3 Towing winches

- Types of different towing winches
- Towing winch characteristics

7.4 Quick release systems

7.5 Towlines

7.5.1 Towline requirements

covering the following basic requirements:

- Strength
- Stretch

- Weight/Diameter
- Life

7.5.2 *Steel wire ropes and synthetic fibre ropes*

- Steel wire ropes
 - Lay
 - Right hand or left hand lay
 - Cross lay and equal lay
 - Lang's lay
 - Ordinary lay
- Synthetic fibre ropes
 - Left hand and right hand lay
 - Three strand ropes
 - Six strand ropes with core structure
 - Eight strand ropes
 - Twelve strand ropes
 - Double braid or braid-on-braid and circular braided
 - Description of different fibres or ropes
 - Polyester
 - Nylon
 - Polypropylene
 - Combinations of materials
 - Aramid and HMPE (Dyneema, Spectra)
 - Finishes and coatings
 - Handling and maintenance of fibre ropes, including tows
 - Damage to tows

7.5.3 *Composition of tows*

7.5.4 *Basic tow length*

- Tow length in relation to ship's path width
- The effectiveness of a tug on a short steep tow
- Tow safety in relation to tow length

7.5.5 *Strength of tow and safety factors*

- Static forces in short and long tows
- Dynamic forces in short and long tows
- Safety factors regarding tow strength

7.5.6 *Ship's mooring lines as tows*

7.6 Towline handling

7.6.1 *Safe handling of towlines aboard ships*

7.6.2 *Some methods for passing, taking and/or securing towlines*

- *Cranes for towline handling*
- *Quick release hooks on board ferries*
- *Automatic hook up system*
- *Emergency towing equipment*

CHAPTER EIGHT – TRAINING AND TUG SIMULATION

8.1 Reason for training

8.2 Different training objectives

8.2.1 *Basic theoretical-practical training*

The following main subjects are important:

For pilot training:

- *Ship handling*
- *Knowledge of the capabilities and limitations of tugs while rendering assistance*

For tug captain training:

- *Handling of a free sailing tug*
- *Knowledge of the capabilities and limitations of ships and of tugs while rendering assistance*
- *What knowledge of tugs and tug use is required by a pilot?*
- *What is useful for a tug captain to know about ships?*
- *Additional training aspects*
- *How can basic training be given?*

8.2.2 *Training for specific situations and conditions*

8.2.3 *Training for a planned new port, harbour basin or berth*

8.2.4 *Training for specific ships coming to a port*

8.2.5 *Training for a new type of tug to be used in a port*

8.2.6 How the specific training courses can be given

- **Combined training**
- **The use of ship manoeuvring simulators**

8.3 Calculating and simulating tug performance with desktop computers

8.3.1 Tug performance calculation programs

8.3.2 Fast time manoeuvring simulation programs

8.3.3 Real-time simulation on desktop simulators

8.4 Simulation by remote-controlled tug models

8.5 Tug simulation using bridge manoeuvring simulators

8.5.1 Requirements for correct tug simulations

8.5.2 Development in tug simulation towards interactive tugs

- Simple vector tug models
- Simple vector tug models combined with tug captain experience
- Advanced vector models
- Tug simulated on a monitor (bird's eye view) and operated by tug captains
- Interactive tug simulation

8.5.3 Important aspects for interactive tug simulation

- Visual presentation and orientation of control handles
- Tug performance in wave conditions
- Other practical aspects
 - Heeling angle
 - Engine noise
 - Control handles
 - Towline/fender characteristics

8.5.4 Method of tug simulation to be used

8.6 Simulator training

8.6.1 Enhanced training possibilities

8.6.2 Steps to be taken for a simulator training set up

- An accurate definition of training needs and training objectives
- A definition of training requirements
- An assessment of whether the simulator institute can meet the training requirements
- A validation phase
- A definition of training programmes

8.7 Areas of tug simulation that need further attention

- Tug model tests
- Effect of angle of heel and trim on forces on a tug's hull and appendages
- Influence of waves on tug performance
- Influence of flow around ship and of water depth and confinement
- Influence of a tug's propeller wash on ship's hull
- Towing and pushing forces
- Thruster – tug hull interaction and thruster – thruster interaction
- Out-of-the window view for interactive tugs
- Visualization of towline behaviour

8.8 Conclusions

CHAPTER NINE – ESCORT TUGS

9.1 The background to escorting

9.2 Studies on escort requirements

9.3 Escorting objectives and methods

9.4 Escorting by normal harbour tugs

9.4.1 Tug use

9.4.2 Escort training and planning

9.5 Escorting by purpose built tugs

9.5.1 Type of tugs, performance and operational requirements

- ***Types, terminology and factors affecting performance***
- ***Braking and steering forces***
- ***Required maximum speed free sailing***
- ***Stability***
- ***Design developments of escort tugs***
- ***Additional towing point for escort tractor tugs***
- ***Deck equipment, tows and towline handling***
- ***Operating reliability and fail safe***
- ***Communication and information exchange***
- ***Active and passive escorting. Versatility of escort tugs***
- ***Escort planning***
- ***Escort tug standardisation***

9.5.2 *Escort tug in use*

9.5.3 *Training and pilotage*

9.5.4 *Summary of escort tug requirements*

9.6 **Escort tug regulations**

9.7 **Concluding remarks**

CHAPTER TEN – TUG DEVELOPMENTS

10.1 **Special developments in the design of tugs with azimuth thrusters**

10.2 **Developments in general**

APPENDICES

1 *Port authorities & towing companies which provide information*

2 *Safety of tugs while towing*

3 *Rules for escort vessels*

INDEX

ANNEX 4

**JUSTIFICATION OF THE WORK ON THE DEVELOPMENT OF GUIDELINES ON
MINIMUM TRAINING AND EDUCATION FOR SHORE SIDE MOORING
PERSONNEL**

Submitted by the Working Group on Ship/Port Interface

SUMMARY

Executive summary: This document contains a proposal by the Working Group on Ship/Port Interface to restrict the present agenda item “Development of guidelines for the training of port marine personnel” of its work programme to “Guidelines on minimum training and education for shore side mooring personnel” with a target completion date of 2004.

Action to be taken: Paragraph 2

Related documents: FAL 26/19; FAL 27/12/3; FAL 27/INF.12; FAL 27/19; FAL 28/12/1; FAL 28/19; MSC 72/23; FAL 29/12/1; FAL 29/12/2; FAL 29/18; FAL 30/12; and MSC 75/24

Background

1 As a result of their deliberations of the outcome of the 4th Bremen International Conference on Safety in the Port Environment during the twenty-sixth session of the Facilitation Committee, the SPI Working Group had invited the Facilitation Committee to closely monitor the developments regarding the availability of qualified port marine personnel and the development of internationally agreed minimum standards for education and training of such personnel. The subsequent developments are summarized below:

1.1 Having considered the view and action taken by the SPI Working Group on the issue of minimum standards for training and education of Port Marine Personnel, the Facilitation Committee had put a corresponding item on the work programme of the Working Group (FAL 26/19, paragraph 12.8. and 12.39.2).

1.2 At FAL 27, IAPH and IHMA had providing a list of port marine personnel positions for which guidance on education and training should be developed (FAL 27/12/3 and FAL 27/INF.12).

1.3 Based on these submissions and the subsequent report on this issue by the SPI Working Group the Facilitation Committee had agreed, that there was a need for the developing guidelines on minimum standards for the training of shore side port marine personnel and had approved the inclusion of a corresponding item in the SPI Working Group's work programme, with the target completion date of 2002, under the supervision of MSC, MEPC and FAL (FAL 27/19, paragraphs 12.52 and 12.58).

1.4 MEPC 44, in considering FAL's view that there was a need for recommended minimum standards for training and education of port marine personnel, had not concurred with the

Committee's intended action to develop guidelines on such minimum standards (FAL 28/12/1, paragraph 7).

1.5 MSC 72, having considered the issue at some length, had concurred with the FAL Committee's view on the necessity of such guidelines, had agreed to include an item on "Development of guidelines for the training of port marine personnel" in the work programme of the SPI Working Group. It also had instructed the SPI Working Group at the same time to consider the matter in detail, thereby exploring the possibility of involving the STW Sub-Committee and international organizations such as UNCTAD, ILO and IAPH, and to submit a more definite proposal to the next session of the MSC. Furthermore, it also had invited Member Governments to provide guidance directly to the Working Group (FAL 28/19, paragraph 12.22).

1.6 The results of the deliberation of the SPI Working Group, which were reported to the FAL Committee at its twenty-eighth session, had included a list of areas that would benefit from the development of guidance on minimum training and education standards (FAL 28/19, paragraph 12.37).

1.7 Having received the report the FAL Committee had considered at length how to take the matter further and had decided to establish a correspondence group with the following terms of reference (FAL 28/19 paragraph 12.38):

- .1 to evaluate the areas referred to above with regard to their relevance for such guidance, excluding areas 1 (pilotage) and 2 (VTS), as these have already been adequately addressed by the Organization and IALA;
- .2 if area 3 (tug assistance services) is considered to be of relevance, any work should be restricted to highlight necessary amendments to the STCW Code to cater for tug operations in ports;
- .3 develop a more detailed proposal with regard to contents of the guidance to be developed;
- .4 assign priorities to the areas identified; and
- .5 submit the outcome to the Secretariat through the co-ordinator by the end of June 2001, so that Member Governments and international organizations have adequate time to consider this issue and submit comments to the next session.

1.8 MSC 73, having considered the issue at some length, had agreed with FAL Committee that the SPI Working Group should not develop such guidelines but identify the areas where there is a need for the training of port marine personnel; substantiate the need for such a work in detail; and specify the IMO bodies or international organizations which might be capable to contribute to the development of such guidelines, and had modified the terms of reference for the Correspondence group (FAL 29/12/1, paragraphs 12 to 14).

1.9 Based on the instructions of the FAL Committee at its 29th session (FAL 29/18, paragraph 12.20) the Working Group had revisited the instructions of MSC 73 and FAL 29, had considered the report of the Correspondence group (FAL 29/12/2) in detail, and had proposed to restrict the work to the development of guidance for minimum training and education

requirements of mooring personnel with a target completion date of 2004; and to amend the Group's work programme accordingly (FAL 30/12, paragraphs 4.6, 4.17, 4.21 and 4.24 and annex 3).

1.10 MSC 75 (MSC 75/24, paragraph 2.28), in considering the report of the SPI Working Group on the issue (MSC 75/2/3/Add.2, paragraphs 7 to 17), had noted the Group's views and action on the development of Guidelines for the training of port marine personnel (MSC 75/2/3, paragraphs 8, 11, 15 and 17) and its proposal to restrict the item to "Development of guidance for minimum training and education requirements for mooring personnel", with a target completion date of 2004. In this context, the MSC had instructed the Group to reconsider the matter and provide MSC 77 with a justification for the work in accordance with the Guidelines on the organization and method of work (MSC/Circ.931 as amended).

Proposal before the Committee

2 On the basis of the discussions on the matter of "Development of guidelines for the training of port marine personnel" summarized below, the SPI Working Group proposes to the Committee to:

- .1 restrict the work to the development of guidance for minimum training and education requirements of mooring services personnel with a target completion date of 2004;
- .2 amend the Group's work programme accordingly;
- .3 establish a Correspondence group on this issue; and
- .4 approve the attached draft MSC/FAL circular inviting Member Governments and other international organizations with observer status to provide information on any national or industry standards available on this issue to the co-ordinator of the correspondence group* .

Reasons for the proposal

3 In compliance with appendix 1 of MSC/Circ. 931, the reason and the need for the Facilitation Committee and the Maritime Safety Committee to restrict the existing item "Development of guidelines for the training of port marine personnel" in the work programme of the SPI Working Group to "Development of guidance for minimum training and education requirements of mooring personnel" is justified on the basis of the principles set out below.

3.1 PRINCIPLE OF COMPELLING NEED.

3.1.1 Both, the Facilitation Committee and the Maritime Safety Committee, have already deemed the item "Development of guidelines for the training of port marine personnel" to be based on sufficient need when including this item on the present work programme of SPI.

3.1.2 However, both Committees had requested the SPI Working Group to explore how to restrict the work to one area at the time and to advise the Committees of the priorities.

* refer to annex

3.1.3 When discussing the correspondence group report referred to above in the light of the instructions given to them by MSC 73 and FAL 29, the Working Group considered the main functions and services in a port that traditionally used to be discharged by personnel with seafaring background and identified the following functions and services:

- .1 functions carried out under the responsibility of a harbour master/port captain;
- .2 pilotage;
- .3 VTS; and
- .4 port marine services, in particular towage and mooring services.

3.1.4 As training and education of Pilots and VTS operators have been adequately addressed by IMO in conjunction with other organizations, there is no need to further discuss these functions.

3.1.5 As the industry organizations, such as IAPH and IHMA, advised the Working Group that functions carried out under the responsibility of a harbour master/port captain (harbour mastering) are manifold and vary from port to port, the Group felt that, in order to be able to advise the Committees (MSC and FAL) on the need for training and areas to be covered in an appropriate manner, it would need to have more information about those functions.

3.1.6 IAPH and IHMA offered to investigate this matter and provide the outcome of that investigation to the Working Group. Consequently, the Group invites the Committees to agree that the area of harbour mastering should be re-visited, once the information is available.

3.1.7 When considering the remaining area of marine services, the Working Group concluded that with regard to towage, the STCW Code provides guidance for education and training of tugboat personnel engaged in international voyages. Member Governments and the port industry should be invited to compare the requirements under the STCW Code with the needs for harbour tug operation and to submit their suggestions for amendments to the Organization.

3.1.8 Considering the provision of adequate mooring services, which plays an important role in ensuring ship/port safety, prevention of pollution and facilitation of maritime traffic, the Working Group noted the information provided by the industry that these services had raised considerable concerns, because of incidents and near-misses in ports during mooring and unmooring, an issue which had also been brought to the attention of the DE Sub-Committee to address the issue of mooring lines and mooring equipment on board ships.

3.1.9 Taking into account that also mooring services suffer from the decline in the availability of seafaring personnel, are becoming increasingly subject to fierce competition and lack internationally agreed standards of training and education, the SPI Working Group recommends to the Committees that this area should be given the highest priority.

3.1.10 This priority is amplified by the fact that the size of ships has increased constantly over the years, thereby making them more vulnerable to the effects of wind and current coupled with the simultaneous decrease in the number of crew on board, which in turn makes the availability of provision qualified personnel for mooring those ships even more important.

3.1.11 To ensure that, the port industry will have to provide dedicated education and training for other suitable shore personnel which would fill the gap between the qualifications and experience available ashore and those required to adequately discharge the port marine functions, the latter of which have been readily available when employing personnel with a sea-faring background.

3.1.12 The only way to assure the shipping industry and the public at large that there is an adequate level of competence available with regard to the provision of mooring services, which would ensure that ships could enter, stay and leave a port safely and efficiently, is by providing similar internationally applicable guidance on recommended training and education for mooring personnel, as is already available for seafarers.

3.1.13 As ILO (FAL 29/18, paragraph 12.17) has not addressed this area because they consider this to be within the remit of IMO, there is at present no uniform international guidance with regard to the minimum levels of education and training for certain shore side port marine personnel including mooring personnel, which would be rectified if the proposal is agreed.

3.2 PRINCIPLE OF BEING WITHIN THE SCOPE OF IMO'S OBJECTIVES.

3.2.1 The proposal is within the scope of IMO's objectives and the terms of reference given to the SPI Working Group by IMO Assembly resolution A.786(19) – Strategy on Ship/Port Interface

3.3 PRINCIPLE OF EXISTING OF ADEQUATE STANDARDS

3.3.1 While Member Governments and other international organizations such as INTERTANKO or the European Boatmen Association might already have certain standards in place, there is at present no uniform international guidance with regard to the minimum levels of education and training for mooring personnel.

3.4 PRINCIPLE OF BENEFITS IN TERMS OF MARITIME/PORT SAFETY, MARINE ENVIRONMENT PROTECTION AND FACILITATION OF MARITIME TRAFFIC

3.4.1 The provision of a uniform international guidance with regard to the minimum levels of education and training for shore side mooring personnel would enable Governments and the industry to determine the suitability of personnel for providing such services, thereby ensuring that adequate mooring services are provided and ships could enter, stay and leave a port safely and efficiently.

3.5 PRINCIPLE OF COSTS AND ADMINISTRATIVE BURDEN

3.5.1 With regard to the resulting costs of such guidance, it has to be noted that it had been the industry itself that had requested the Organization to develop such guidance. Therefore, it can be assumed that the industry considers the benefits of such guidance to outweigh the resulting costs.

3.5.2 The administrative burden to Governments and the industry would be reduced by the development of such guidance, as otherwise each Government, organization or company would have to develop their own standards.

3.6 PRINCIPLE OF VIABILITY AND AGENDA

3.6.1 Recognizing that Member Governments and other international organizations might already have certain standards in place, the SPI Working Group would invite the Committees to invite Member Governments and international organizations to provide any material available to a Correspondence group, to be established subject to the approval of the Committees.

3.6.2 The establishment of a Correspondence group would be necessary if the work shall be completed in 2004 in accordance with the present target completion date.

3.6.3 To avoid duplication of work, the proposed terms of reference for the Correspondence group are:

- .1 Evaluate the existing material available as to their suitability;
- .2 establish eventual gaps; and
- .3 develop a comprehensive guidance document based on their findings.

3.6.4 The draft submitted by the Correspondence group could then be considered and finalized by the SPI Working Group during their next session in 2004.

Conclusion

4 The development of a uniform international guidance with regard to the minimum levels of education and training for shore side mooring personnel would enhance maritime safety, marine environment protection and the facilitation of the turnaround of ships in ports, enable Governments, the industry to determine the suitability of personnel for providing adequate mooring services, and would reduce the administrative burden to Governments and the industry with regard to developing their own standards.

ANNEX

DRAFT MSC /FAL CIRCULAR

SHIP/PORT INTERFACE

**DEVELOPMENT OF GUIDANCE FOR MINIMUM TRAINING AND EDUCATION
REQUIREMENTS FOR MOORING PERSONNEL**

1 The Facilitation Committee at its thirtieth session (27 to 31 January 2003) and the Maritime Safety Committee [at its seventy-seventh session (28 May to 6 June 2003)], recognizing the importance and the need for the development of guidance for minimum training and education requirements for mooring personnel, has initiated work on this item.

2 Recognizing also that certain Member Governments, port authorities and industry associations may already have such standards in place, and in order to avoid duplication of work invites Members to submit these to the co-ordinator* of the Correspondence group by the end of August 2003.

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ANNEX 5

SUBSTANTIVE ITEMS FOR INCLUSION IN THE AGENDA OF THE THIRTY-FIRST SESSION

Convention on Facilitation of International Maritime Traffic

- Status of the Convention

Consideration and adoption of proposed amendments to the Annex to the Convention

Electronic means for the clearance of ships

- .1 Development of uniform systems for the arrival and clearance of ships, persons and cargoes.
- .2 E-business possibilities for the facilitation of maritime traffic.
- .3 Assistance to developing countries in accepting and implementing electronic means for the clearance of ships.

General review of the Convention including harmonization with other international instruments:

- .1 Review of Standards and Recommended Practices in the Annex to the Convention to which differences have been registered by Contracting Governments
- .2 Development of an explanatory manual to the Convention
- .3 Information submitted on implementation of individual provisions of the Annex to the Convention
- .4 Prevention and suppression of unlawful acts at sea or in port: Facilitation aspects
- .5 Prevention and control of illicit drug trafficking: Facilitation aspects

Measures to enhance maritime security: Facilitation aspects

Measures and procedures for the treatment of persons rescued at sea: Facilitation aspects

Formalities connected with the arrival, stay and departure of ship

- Implementation of the Standardized IMO Model FAL Forms (1-7)

Formalities connected with the arrival, stay and departure of persons - Stowaways

Facilitation aspects of other IMO forms and certificates

- List of certificates and documents required to be carried on board ships

Ship/port interface

Technical co-operation subprogramme for facilitation

Institutionalization of the FAL Committee

Application of the Committee's guidelines

Work programme

ANNEX 6

LONG-TERM WORK PLAN OF THE COMMITTEE FOR THE PERIOD UP TO 2010**Objectives**

- 1 Pursuant to the provisions of Article I of the Convention on Facilitation of International Maritime Traffic, 1965, the long-term work plan of the Facilitation Committee should encourage the adoption of measures to facilitate and expedite international maritime traffic and to prevent unnecessary delays to ships, persons and property on board, including simplification, standardization and minimization of formalities, documentary requirements and procedures associated with the arrival, stay and departure of ships engaged on international voyages.
- 2 It should also promote the acceptance and use of the IMO FAL Forms and introduce and adopt electronic data processing and interchange techniques to facilitate the clearance of ships, crews, passengers and cargo, effective port operation and vessels' turnaround.
- 3 It should further provide the necessary machinery for performing any duties assigned to it and to maintain such close relationship with other bodies as may further the relevant purposes of the Organization.

Subjects*

- * 1 Implementation, interpretation and improvement of the Convention on Facilitation of International Maritime Traffic (FAL), 1965, and its Annex
- * 2 Facilitation activities within the remit of the Organization including:
 - .1 promotional activities carried out in co-operation with Member Governments, FAL Contracting Governments and organizations concerned; and
 - .2 facilitation aspects of forms and certificates emanating from other activities of the Organization.
- * 3 Implementation of uniform electronic messages for the arrival, stay and clearance of ships, persons and cargoes, including assistance to developing countries for the clearance of ships by electronic means.
- 4 Examination of elements of conventions, codes and recommendations of a facilitation nature elaborated by other organizations
- * 5 Consideration and formulation of proposals for the general review of the FAL Convention or its Annex, including:
 - .1 harmonization with other relevant international instruments; and
 - .2 review of Standards and Recommended Practices in the Annex to the Convention to which differences have been registered by Contracting Governments.
- 6 Formalities connected with the arrival, stay and departure of ships, persons and cargo

* The subjects marked with an asterisk are considered as high priority subjects.

- 7 Methods of handling cases involving inadequately documented passengers
- * 8 Facilitation aspects of IMO's work on enhancing maritime security
- 9 Facilitation aspects of IMO's work on prevention and suppression of acts of piracy and armed robbery against ships; and dealing with issues relating to trafficking or transport of migrants
- * 10 Facilitation measures and procedures for the treatment of persons rescued at sea
- 11 Facilitation aspects of measures to prevent and suppress illicit drug trafficking
- * 12 Ship/port interface matters
- * 13 Prevention and resolution of stowaway issues

ANNEX 7

WORK PROGRAMME OF THE SPI WORKING GROUP

	Target Completion Date
1 — Updating of the bibliography (under the supervision of FAL)	Continuous
2 — Availability of adequate tug assistance (under the supervision of MSC, MEPC and FAL)	2003
3 — Development of a manual on loading and unloading of solid bulk cargoes for terminal representatives (under the supervision of MSC)	2003
4 — Development of guidelines for the training of port marine personnel on minimum training and education for shoreside mooring personnel (under the supervision of MSC and FAL)	2003 [2004]
