



FACILITATION COMMITTEE
32nd session
Agenda item 22

FAL 32/22
25 July 2005
Original: ENGLISH

**REPORT OF THE THIRTY-SECOND SESSION
OF THE FACILITATION COMMITTEE**

Section	Page No.
1 GENERAL - ADOPTION OF THE AGENDA	3
2 DECISIONS OF OTHER IMO BODIES	6
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	7
5 ELECTRONIC MEANS FOR THE CLEARANCE OF SHIPS	11
6 APPLICATION OF THE COMMITTEE’S GUIDELINES	16
7 GENERAL REVIEW OF THE CONVENTION, INCLUDING HARMONIZATION WITH OTHER INTERNATIONAL INSTRUMENTS	17
8 PREVENTION AND SUPPRESSION OF UNLAWFUL ACTS AT SEA OR IN PORT: FACILITATION ASPECTS	20
9 PREVENTION AND CONTROL OF ILLICIT DRUG TRAFFICKING: FACILITATION ASPECTS	23
10 MEASURES TO ENHANCE MARITIME SECURITY: FACILITATION ASPECTS	28
11 MEASURES AND PROCEDURES FOR THE TREATMENT OF PERSONS RESCUED AT SEA: FACILITATION ASPECTS	34
12 SHIP/PORT INTERFACE	35

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

Section	Page No.
13 FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF SHIPS	43
14 FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF PERSONS - STOWAWAYS	44
15 FACILITATION ASPECTS OF OTHER IMO FORMS AND CERTIFICATES	45
16 TECHNICAL CO-OPERATION SUB-PROGRAMME FOR FACILITATION	46
17 INSTITUTIONALIZATION OF THE FAL COMMITTEE	48
18 RELATIONS WITH OTHER ORGANIZATIONS	48
19 WORK PROGRAMME AND DATE OF NEXT SESSION	49
20 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2006	51
21 ANY OTHER BUSINESS	51
22 REPORT TO THE COUNCIL	52

LIST OF ANNEXES

- ANNEX 1 - RESOLUTION FAL.8(32) – ADOPTION OF AMENDMENTS TO THE CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED
- ANNEX 2 - AMENDMENTS TO THE RULES OF PROCEDURE OF THE FACILITATION COMMITTEE
- ANNEX 3 - DRAFT ASSEMBLY RESOLUTION ON REVISION OF THE GUIDELINES FOR THE PREVENTION AND SUPPRESSION OF THE SMUGGLING OF DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSOR CHEMICALS ON SHIPS (RESOLUTION A.872(20))
- ANNEX 4 - ROLE, MISSION, STRATEGIC DIRECTION AND WORK OF THE COMMITTEE
- ANNEX 5 - SUBSTANTIVE ITEMS FOR INCLUSION IN THE AGENDA FOR THE THIRTY-THIRD SESSION

1 GENERAL - ADOPTION OF THE AGENDA

Introduction

1.1 The Facilitation Committee held its thirty-second session from 4 to 8 July 2005 under the chairmanship of Mr. C. Abela (Malta). The Committee Vice-Chairman, Captain A.E. Hill (Liberia), was also present.

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

ALGERIA	KENYA
ANTIGUA AND BARBUDA	LIBERIA
ARGENTINA	MALAYSIA
AUSTRALIA	MALTA
BAHAMAS	MARSHALL ISLANDS
BELGIUM	MOROCCO
BOLIVIA	NETHERLANDS
BRAZIL	NIGERIA
CANADA	NORWAY
CHILE	PANAMA
CHINA	PERU
COLOMBIA	PHILIPPINES
CUBA	POLAND
CYPRUS	REPUBLIC OF KOREA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	RUSSIAN FEDERATION
DENMARK	SAUDI ARABIA
ECUADOR	SINGAPORE
EGYPT	SOUTH AFRICA
ESTONIA	SPAIN
FINLAND	SWEDEN
FRANCE	THAILAND
GERMANY	TURKEY
GHANA	TUVALU
GREECE	UNITED KINGDOM
INDONESIA	UNITED REPUBLIC OF TANZANIA
IRAN (ISLAMIC REPUBLIC OF)	UNITED STATES
ITALY	URUGUAY
JAPAN	VENEZUELA

the following Member Governments, which did not submit their credentials:

BANGLADESH	CAMEROON
------------	----------

and from the following Associate Member of IMO:

HONG KONG, CHINA

1.3 The session was attended by representatives from the following United Nations specialized agency:

INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

by observers from the following intergovernmental organizations:

WORLD CUSTOMS ORGANIZATION (WCO)

EUROPEAN COMMISSION (EC)

MARITIME ORGANIZATION FOR WEST AND CENTRAL AFRICA (MOWCA)

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

INTERNATIONAL CHAMBER OF SHIPPING (ICS)

INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)

INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)

ICHCA INTERNATIONAL LIMITED (ICHCA)

INTERNATIONAL MARITIME PILOTS' ASSOCIATION (IMPA)

INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)

THE INTERNATIONAL MARINE CONTRACTORS ASSOCIATION (IMCA)

WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)

Secretary-General's opening address

1.4 In welcoming the participants, the Secretary-General referred to the decision of the Council last November that the theme for this year's World Maritime Day should be "International Shipping - Carrier of World Trade", which gives the opportunity to direct attention to the image of shipping and contribute to raising its profile. He also referred to the decision of the Council to establish an IMO Award for Exceptional Bravery at Sea in recognition of those who, at the risk of losing their own life, rescue persons in distress or prevent catastrophic pollution of the marine environment amidst extreme conditions and thus exhibit virtues of self sacrifice in line with the highest traditions at sea. In highlighting, in the context of the aforementioned year's theme, the role of the FAL Committee in facilitating international maritime traffic and the importance of the Committee's activities, which make a significant contribution to world trade, the Secretary-General encouraged the Committee to work even harder to meet the challenges in its field of responsibility.

The Secretary-General drew attention to the contribution that the adoption of amendments to the FAL Convention, which would introduce a number of important requirements, as well as the continued work on the development of an explanatory Manual to the FAL Convention would provide. In this context, referring to work on the review of Standards and Recommended Practices in the Annex to the FAL Convention to which exceptions had been registered by Contracting Governments, the Secretary-General encouraged those Governments, which had not yet responded to the respective questionnaire, to do so at their earliest convenience.

The Secretary-General welcomed the Committee's work on the review of the Guidelines for the prevention and suppression of smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic in order to align them with the provisions of the ISPS Code.

Turning to facilitation aspects of maritime security, the Secretary-General stressed the importance of the use of electronic means for clearance of ships and the development, by the Committee, of electronic data interchange messages through which the security-related standard data set could be transmitted electronically. In the context of the efforts on maritime security, the Secretary-General also emphasized work to prevent any interruption, as a result of a terrorist act, of the flow of traffic through the Malacca Strait and reported on the planned Conference in Jakarta, Indonesia, in September, to take the matter forward.

Referring to the problem of stowaways, which continues to impose a heavy burden on ships and crews and on the shipping industry as a whole, and the Committee's review of the reports on stowaway incidents, the Secretary-General welcomed recent reports of a 50 per cent reduction in stowaway cases in the United States' ports since the introduction of the ISPS Code on 1 July 2004; and expressed the hope that a strict and uniform implementation of all of the Code's measures would lead to a significant reduction in the number of such cases worldwide.

With regard to ship/port interface matters, the Secretary-General, noting the Committee's review of the work of the SPI Working Group, commended the Committee's contribution and that of the SPI Working Group to the security-related work of the Organization in pursuance of the requests of the Assembly in resolution A.924(22). He also highlighted the work of the group on the facilitation aspects of measures to enhance maritime security, including the development of guidelines on minimum training and education for shore-side mooring personnel and issues related to the delay and denial of shipments of the IMDG Code class 7 radioactive materials, particularly Cobalt-60.

The Secretary-General, having stressed the importance of the early entry into force of the 1991 amendments to the IMO Convention concerning the institutionalization of the Facilitation Committee and a series of measures urging Member Governments to accept the amendments as soon as possible, informed the Committee of the total number of acceptances and the number of acceptances needed to give effect to the amendments. He once again emphasized the importance of the institutionalization of the FAL Committee in view, in particular, of the linkage between the FAL Convention and the ISPS Code, and urged all Member Governments, which have not yet accepted the 1991 amendments, to favourably consider doing so as early as possible.

The Secretary-General referred to a number of national FAL seminars to assist countries in the effective implementation of the Convention Standards, which were held with funds provided by the Technical Co-operation Fund and took the opportunity to thank the Governments of Congo, Kenya, Sierra Leone and Tanzania for hosting the events and the Secretariat and consultants for organizing and conducting the successful seminars.

The Secretary-General reported on IMO's swift, decisive and comprehensive response to the tsunami tragedy in the Indian Ocean, which tackled the issues that emerged in the aftermath of the disaster on two fronts: the humanitarian and the technical. He informed the Committee that IMO, IHO and IALA established a joint action plan principally focusing on ensuring the integrity of the region's maritime navigational infrastructure to ensure the safe navigation of ships. In the future, the plan would include co-operation with WMO and UNESCO/IOC in the development of an early tsunami warning system to cover the Indian Ocean in its entirety.

In concluding, the Secretary-General drew the Committee's attention to the issue of the apparently ever-increasing number and size of documents both submitted to, and produced by, Committees and sub-committees during sessions. His concerns related, firstly, to the Secretariat's ability to manage this increase within its limited resources and still maintain the standards expected by the membership and, secondly, the adverse effect this was having on the

well-being and health of the staff, as has particularly been the case in respect of the staff in the Translation Sections and also extends to staff in the Technical Divisions. He reported that the workload for the translation of documents that can be handled during a meeting is being examined, taking into account the need to allocate, at the same time, some capacity for the translation of documents for other programmed meetings, and that, in due course, the Committee would be informed of any decisions made in this respect, but, for the time being, he appealed to the membership to keep in mind the overall issue and show the usual understanding and co-operation.

Chairman's remark

1.5 The Chairman thanked the Secretary-General for his words and advice and stated that the Secretary-General's advice and requests would be given every consideration in the deliberation of the Committee and its working groups.

Adoption of the agenda

1.6 The Committee adopted the agenda (FAL 32/1) and a provisional timetable for guidance during the session (FAL 32/1/1 and Corr.1, annex, as amended). A list of documents considered under each agenda item, is set out in document FAL 32/INF.8.

1.7 The Committee's decisions on the establishment of working groups and a drafting group are reflected under sections of this report covering corresponding agenda item.

Credentials

1.8 The Committee was informed that the credentials of delegations attending the session were in order and proper form (see also paragraph 1.2).

Terrorist attacks in London

1.9 The Committee was kept abreast of developments in connection with terrorists attacks on London's transportation system during the morning of Thursday, 7 July 2005. It received two reports from the Secretary-General who appealed for calm, whilst advising everyone to be vigilant and alert; he recommended that delegates and staff should be as determined as ever to go about their peaceful tasks in the service of the community. He was confident that the thoughts and prayers of all would go out to those who had been affected, in any way, by the day's events and praised the work of the public emergency services.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Committee considered the outcome of the ninety-fourth session of the Council (FAL 32/2/3); the seventy-ninth and eightieth sessions of the Maritime Safety Committee (FAL 32/2 and FAL 32/2/2 respectively); the fifty-second session of the Marine Environment Protection Committee (FAL 32/2); the fifty-fifth session of the Technical Co-operation Committee (FAL 32/2/3); the ninth session of the DSC Sub-Committee (FAL 32/2); and the thirty-sixth session of the STW Sub-Committee (FAL 32/2), under relevant agenda items.

Outcome of the ninety-third session of the Council

2.2 The Committee noted the information provided on the outcome of C 93 (FAL 32/2, paragraphs 17 to 33) related to the:

- .1 development of the voluntary IMO Member State Audit Scheme;
- .2 translation and posting of documents on the IMO public website;
- .3 report of FAL 31;
- .4 recommendation of the monitoring group on Somalia; and
- .5 applications for consultative status and related matters.

Outcome of the eighty-ninth and ninetieth sessions of the Legal Committee

2.3 The Committee noted the information provided on the outcome of LEG 89 and LEG 90 (FAL 32/2 and FAL 32/2/1 respectively) related to the:

- .1 review of the SUA Convention;
- .2 draft Convention on Wreck Removal (WRC);
- .3 places of refuge; and
- .4 fair treatment of seafarers.

3 CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC – STATUS OF THE CONVENTION

3.1 The Committee noted the list of Contracting Governments to the FAL Convention, contained in the annex to document FAL 32/3, in particular, the acceptances by Gabon (12 April 2005), Mali (12 October 2004) and St. Kitts and Nevis (7 October 2004) since its thirty-first session.

3.2 The Committee was informed by the Secretariat that, since the issuance of document FAL 32/3, a further acceptance had been received from the Libyan Arab Jamahiriya (26 June 2005) thus bringing the total number of Contracting Governments to 102.

3.3 The delegation of Japan informed the Committee that Japan was currently in the process of ratifying the FAL Convention.

3.4 In expressing its appreciation to the Governments of Gabon, Mali, St. Kitts and Nevis and the Libyan Arab Jamahiriya, the Committee urged those Member Governments, which had not yet accepted the Convention, to consider doing so, as soon as possible, in order to assist the Organization's efforts to facilitate international maritime traffic in a secure environment.

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

GENERAL

4.1 The Committee recalled that, at its thirty-first session, it had approved, in accordance with the provisions of article VII of the FAL Convention, the proposed amendments to the Annex to the Convention (FAL 32/4, annex 1), with a view to adoption at this session.

4.2 The Committee noted that the proposed amendments were circulated in accordance with article VII(2)(a) of the Convention to all IMO Members and Contracting Governments to the Convention by Circular letter No. 2590 dated 25 October 2004.

4.3 The Committee recalled also that, at its thirty-first session, when approving the proposed amendments to the Convention, it had agreed to further consider at this session and invited comments and proposals on:

- .1 the use of the term “port arrived from” or “last port of call” in Standard 2.6.1;
- .2 the definition of “estimated time of arrival (ETA)”;
- .3 the review of the FAL forms and their related provisions, in light of the security measures introduced such as those in the ISPS Code and other new requirements related to customs, immigrations, health and environment; and
- .4 the need to harmonize the use of the terms “electronic data interchange (EDI)” and “electronic transmission of information” throughout the Annex to the Convention.

4.4 The Committee noted that there had been no such comments and proposals submitted to this session.

4.5 The Committee recalled further that, at its thirty-first session, it had agreed that the definitions in the IMO Compendium on Facilitation and Electronic Business (FAL.5/Circ.15 and Corr.1) should be harmonized with those of the relevant proposed amendments to the Annex to the Convention when they enter into force.

4.6 The Committee recalled also that, at its thirty-first session, it had agreed to consider the issue of adoption of amendments to the Convention as a package, rather than on a piecemeal basis.

CONSIDERATION OF PROPOSED AMENDMENTS TO THE ANNEX TO THE FAL CONVENTION

SECTION I – DEFINITIONS AND GENERAL PROVISIONS

A. Definitions

4.7 The Committee noted the square brackets around the words “Estimated time of arrival (ETA)” and, after having a lengthy discussion on the location in a port where a ship arrives (e.g. port facility, etc.), instructed the working group to consider the matter and prepare an appropriate definition of ETA.

4.8 In considering the definition “security measures”, some delegations were of the view that the words “in accordance with international agreements” should be deleted, while others were of the view that the words should be retained. After a lengthy discussion, the Committee instructed the working group to consider the matter and prepare appropriate text.

4.9 In the proposed new definition “temporary admission”, the Committee agreed to add the words “and without application of import prohibitions or restrictions of economic character” after the words “import duties and taxes”, as suggested by the delegation of the Russian Federation.

C. Electronic data-processing techniques

Standard 1.4

4.10 As agreed at the last session, the Committee considered a need to harmonize the use of the term “electronic data interchange (EDI)” with the term “electronic transmission of information”. Suggestions were made by some delegations that the term “electronic exchange of information” would be more appropriate. Subsequently, the Committee instructed the working group to consider the matter and prepare appropriate amendments throughout the Annex to the Convention.

SECTION 2 – ARRIVAL, STAY AND DEPARTURE OF THE SHIP

B. Contents and purpose of documents

Recommended Practice 2.1.4

4.11 The Committee agreed to change the words “Cargo manifest” to “Cargo declaration” and to add the “crew list” and “passenger list” after the words “Cargo declaration”.

Standard 2.6.1

4.12 The Committee agreed to change the proposed words “port arrived from” in the bullet replacing the existing bullet “• arriving from port”, and instructed the working group to use the same wording and prepare appropriate amendments to the relevant part of the Annex to the Convention.

Recommended Practice 2.7.3

4.13 After a lengthy discussion on the proposed new bullet “[• type of identity document supplied by the passenger]”, “[• serial number of identity document]” and “[• transit passenger or not]”, the Committee agreed to delete the square brackets around them.

F. Completion of documents

Standard 2.16

4.14 Following discussion of the proposed amendments, the Committee instructed the working group to consider whether it would be more appropriate to change the proposed word “document” to the word “data”.

SECTION 5 - ARRIVAL, STAY AND DEPARTURE OF CARGO AND OTHER ARTICLES**B. Clearance of cargo**

4.15 With regard to the proposed new Recommended Practice 5.10.1, the Committee agreed, in principle, to insert words, proposed by the delegation of the United States, in subparagraph (a), and instructed the working group to prepare appropriate amendments.

REVIEW OF THE FAL FORMS AND THEIR RELATED PROVISIONS

4.16 In reviewing the FAL Forms, the Committee agreed, in principle, to take into account the proposals contained in paragraphs 6.1 (subparagraphs i and iii only) and 6.2 of document FAL 32/10/1 (ICS) and instructed the working group to consider the matter and prepare amendments to the FAL Forms.

4.17 The Committee instructed the working group to also prepare draft amendments to the FAL Forms for the terminologies used in the Forms to be in line with those in the forms under other IMO instruments, together with consequential amendments to the relevant provisions of the Convention, and include them in the final text of the draft amendments to the FAL Convention to be adopted.

DRAFT FAL RESOLUTION ON ADOPTION OF AMENDMENTS TO THE CONVENTION

4.18 The Committee considered the draft FAL resolution on adoption of amendments to the FAL Convention (annex 1 to document FAL 32/4) and instructed the working group to prepare the final text of the FAL resolution, taking into account the discussion, in plenary, on the entry-into-force date of the proposed amendments.

ADOPTION OF AMENDMENTS AS A PACKAGE

4.19 The Committee considered the issue of adoption of amendments on a piecemeal basis and agreed to adopt amendments to the FAL Convention as a package and not on a piecemeal basis.

INSTRUCTIONS TO THE WORKING GROUP

4.20 The Committee established the working group and instructed it, taking into account the relevant decisions taken and comments made in plenary, to:

- .1 prepare draft amendments to the FAL Forms for the terminologies used in the Forms to be in line with those in the forms under other IMO instruments, together with consequential amendments to the relevant provisions of the Convention, and include them in the final text of the draft amendments to the FAL Convention to be adopted; and
- .2 prepare final text of the draft amendments to the FAL Convention and the associated draft FAL resolution and submit a report to plenary by Thursday, 7 July 2005.

ADOPTION OF PROPOSED AMENDMENTS TO THE ANNEX TO THE FAL CONVENTION

Report of the working group

4.21 Having received the report of the working group (FAL 32/WP.2), the Committee took action as indicated hereunder.

Adoption of the proposed amendments to the Annex to the FAL Convention

4.22 The Committee, including delegations of 43 Contracting Governments to the FAL Convention, considered the final text of amendments to the Annex to the Convention, prepared by the working group (FAL 32/WP.2, annex) and, having agreed to the inclusion of the words “call sign” following “IMO number” in Recommended Practice 2.2.2 and the appropriate provisions, and the FAL Forms accordingly, replacement of the words “nationality of the ship” by the words “flag State of the ship” in Recommended Practice 2.3.1 and Standard 2.8.1, replacement in the Forms of the words “Port of destination” by the words “Next port of call”, re-arrangement of box 1 in the Forms (to separate the entries for IMO number and call sign from other entries) and some other minor editorial modifications, adopted the amendments unanimously by resolution FAL.8(32), as set out in annex 1.

4.23 In adopting resolution FAL.8(32), the Committee determined that the said amendments should, in accordance with article VII(2)(b) of the FAL Convention, enter into force on 1 November 2006, unless, prior to 1 August 2006, at least one third of Contracting Governments to the Convention had notified the Secretary-General in writing that they do not accept them.

Instructions to the Secretariat

4.24 In adopting the aforementioned amendments, the Committee authorized the Secretariat, when preparing the authentic and certified texts of the amendments in the official languages, to effect any editorial corrections that may be identified, and to bring to the attention of the Committee any errors or omissions which require action by the Contracting Governments to the 1965 FAL Convention.

Chairman’s remark

4.25 The Chairman, in congratulating the Committee for adopting the amendments, emphasized the valuable contribution which the substantial package of amendments would make to the Contracting Governments’ efforts to facilitate international maritime traffic.

REQUEST OF THE DELEGATION OF THE RUSSIAN FEDERATION

4.26 In recognizing the 1965 FAL Convention as one of the most important and useful instruments for the international shipping industry, the delegation of the Russian Federation drew the attention of the Committee to the fact that this Convention had not been published in Russian since 1991, and requested the Secretariat to take the necessary action to have a new edition of the Convention prepared in that language and published at the earliest opportunity.

5 ELECTRONIC MEANS FOR THE CLEARANCE OF SHIPS

5.1 The Committee recalled that, at its thirty-first session (FAL 31/20, paragraph 5.6), it had considered the need to establish a working group on EDI to identify future work on electronic

means for the clearance of ships, particularly: how to encourage the use of the Single Window Concept; and in view of the need, for the purpose of maritime security, to transmit information by secure and reliable means prior to a vessel's arrival in a port, and to identify ways and means on how to expand the use of E-business in developing countries.

5.2 The Committee recalled also that, at its thirty-first session (FAL 31/20, paragraph 5.7), it had agreed that:

- .1 it was premature to consider these issues while still being in the process of adopting amendments to the FAL Convention, notwithstanding the fact that other intergovernmental organizations and agencies were also working on the matter; and
- .2 it would be beneficial to continue monitoring the work being carried out by the UN/CEFACT working group TBG15 on the use of Single Window Concept (Japan offered to participate on behalf of the Committee in the relevant meetings).

5.3 The Committee further recalled that, at its thirty-first session, it had invited Member Governments to submit comments and proposals on the following issues for consideration at this session:

- .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 developing countries.

5.4 The Committee discussed document FAL 32/5/1 (Japan) on the draft revised IMO Compendium on Facilitation and Electronic Business, which combines FAL.5/Circ.15 and Corr.1, for further review of the Committee.

5.5 The Committee instructed the working group referred to in paragraph 5.10 to consider the methodology used for revising the Compendium and to prepare terms of reference for a correspondence group to work intersessionally to prepare the draft revised Compendium which would reflect the amendments to the FAL Convention adopted at this session.

5.6 The Committee also noted the information provided by Japan on:

- .1 UN/CEFACT Recommendation No.33 "Recommendation and Guidelines on Establishing a Single Window", which was approved by the UN/CEFACT in October 2004 (FAL 32/INF.2);
- .2 UN/CEFACT Recommendation No.20 (3rd edition) on Codes for units of measures used in international trade, which was adopted by the UN/CEFACT Information management Group (ICG) in March 2005 (this Recommendation was formally approved by the UN/CEFACT Plenary in June 2005) (FAL 32/INF.3); and

- .3 the UNTDED 2005 Edition on United Nations Trade Data Element Directory (FAL 32/INF.4).

5.7 The Committee discussed document FAL 32/5/3 (Republic of Korea), informing that the validation and examination of a number of certificates and documents currently required to be carried on board ships could be better achieved through on-line access to databases of administration and suggesting the XML-based Single Window System which would also simplify the clearance of ships, for consideration by the Committee.

5.8 The Committee referred document FAL 32/5/3 to the working group to consider in detail and advise the Committee on options for realizing the suggested XML-based Single Window System.

5.9 The Committee discussed document FAL 32/5/2 (Japan), proposing the establishment of the EDI Working Group and relevant terms of reference for the group, and agreed to refer the document to the working group for detailed consideration.

5.10 Having established the working group, the Committee instructed the group to:

- .1 consider the methodology used for revising the Compendium and to prepare terms of reference for a correspondence group to work intersessionally to prepare a draft revised Compendium which would reflect any amendments to the FAL Convention adopted at this session;
- .2 consider the suggested eXtensible Markup Language (XML)-based Single Window System (FAL 32/5/3) and advise on options for realizing the system;
- .3 consider all the proposals and recommendations contained in document FAL 32/5/2 and advise the Committee on future action plan; and
- .4 give preliminary consideration to the development of an electronic data interchange message (EDI message) for transmission of the security-related information as requested by MSC 79 (FAL 32/10 and MSC/Circ.1130) and advise the Committee on the issues it encounters so as to enable the establishment of the appropriate way forward (see paragraph 10.6).

5.11 Having received the report of the group (FAL 32/WP.4), the Committee approved the report in general and took action as indicated in the following paragraphs.

Revision of the IMO FAL Compendium

5.12 The Committee agreed to establish a correspondence group, under the co-ordination of the United States^{*}, with the following terms of reference:

* **Co-ordinator:**
Mr. William L. Nolle
International Trade Manager
U.S. Customs and Border Protection,
U.S. Department of Homeland Security
Email: William.nolle@dhs.gov.

- .1 reflect, as appropriate, the amendments to the Annex to the FAL Convention, adopted at this session (FAL 32/22, annex 1), in the draft revised IMO FAL Compendium to be prepared;
- .2 extract data elements in FAL Forms 1 to 7 and develop a matrix sheet based on ISO 7372 (UNTDED) to avoid duplication of data for realizing the Single Window Concept;
- .3 develop new or recommend adoption of existing Message Implementation Guidelines (MIG) for the individual FAL Forms;
- .4 develop EDI message for transmission of security-related information based on MSC/Circ.1130 for inclusion in the IMO FAL Compendium; and
- .5 review and finalize the draft revised IMO FAL Compendium for submission to FAL 33 for approval and submission to WCO, UN/CEFACT (TBG) and other organizations for comments.

Single Window System

5.13 The Committee noted that, in considering document FAL 32/5/3 (Republic of Korea) on the recommendations to establish a XML-based Single Window System framework in an effort to simplify, standardize and make effective use of present arrival and departure information through electronic means, the group had noted that other methodologies existed which may be used in Single Window. This concept has been in use in certain EU countries known as the 'one stop shop concept' which has the same principles as the Single Window.

5.14 The Committee, recalling its discussion that, although Single Window is a convenient tool for facilitation in ship/port interface, a further study is needed to ensure that security-related information does not end up in the wrong hands, concurred with the group's view that there is a possibility that the system could be developed using programming techniques where the information once entered into the system will be accessed only by authorized personnel.

5.15 The Committee also noted that the UN/CEFACT is still developing the XML Standards and requested the Republic of Korea to submit more information on the XML-based system to FAL 33.

Establishment of the EDI Working Group to meet at FAL 33

5.16 The Committee noted that the group, in considering document FAL 32/5/2 (Japan), concluded that, with the fast trend in developing requirements of maritime traffic and standardization and harmonization progress in electronic business, there is a need for the FAL Committee to have a EDI Working Group.

5.17 The Committee agreed with the group's view that during the Committee meetings where an *ad hoc* working group meets for one or two days, it is not possible for the group to discuss issues in detail. The Committee agreed to establish the EDI Working Group to meet preferably in the morning of the first day of the next session, with the following terms of reference:

- .1 to revise the IMO Compendium 2001 Edition based on the latest amendments adopted by the Committee;

- .2 to develop new or recommend adoption of existing Message Implementation Guidelines (MIG) for exchange of information electronically on all IMO/FAL Forms based on the latest version of UN/CEFACT Standards Directory, ISO 7372/2005 (UNTDED) and WCO Data Model (Version 2);
- .3 to develop a uniform ship's pre-arrival electronic message taking into consideration SOLAS chapter XI-2, the ISPS Code and MSC/Circ.1130;
- .4 to ensure the exchange of information with a view to keeping the FAL Committee informed of relevant developments relating to electronic business in the area of maritime traffic; and in this capacity, to act as a virtual focal point with a view to making further progress towards achieving the goal of total electronic clearance of ships and cargo;
- .5 to develop the Single Window System for the exchange and management of information, which would ensure that security and reliability are maintained by developing well-established privacy procedures and processes;
- .6 to consider, inconsistent with the WCO "Framework of Standards to Secure and Facilitate Global Trade"* , its primary goal to secure and facilitate maritime and other transport systems, as well as the trade supply chain;
- .7 to consider the use of the WCO Data Model and Single Window Concept, with national appropriate administrations as the primary informational conduit, in view of the significant capacity building developments that are anticipated through broad global implementation of the adopted Framework (including those activities in the area of enhancement of automated data systems);
- .8 to define proposals for the changes to procedures as a result of the electronic exchange of information, to actively follow the developments within the ISO TC8 and to encourage exchange of information among other organizations (UN/CEFACT, WCO, ISO, etc.) with IMO on ship and electronic related information matters;
- .9 to encourage collaboration with other standardization bodies, such as UN/CEFACT (especially Transport Working Group (TBG3), Customs Working Group (TBG4) and International Trade Procedures Working Group (TBG15)), ISO/TC154, ISO/TC104. In addition, representatives from the shipping industry such as PROTECT and International Transport Implementation Guidelines Group (ITIGG) should be asked to contribute to the work to ensure a mutual understanding and usage of the guidelines; and
- .10 to identify, in view of requests by countries for technical assistance in introducing electronic business, ways and means on how to expand the use of electronic business in such countries.

* The World Customs Organization (WCO) "Framework of Standards to Secure and Facilitate Global Trade" is the preeminent global guidance, developed in co-ordination with 166 WCO Members and the global business community, for the enhancement of security and facilitation of the global supply chain and all transport modes. A summary of the Framework has been outlined in document FAL 32/INF.7. The Framework was adopted at the June 2005 WCO Policy Council Sessions where, before departing the WCO Sessions, a significant number of the Members expressed their intent to implement the standards contained therein.

EDI message for transmission of security-related information

5.18 The Committee noted that the group had discussed the possibility of compiling an EDI message from the standard data set of security-related information contained in MSC/Circ.1130 (Appendix) and had noted that the pre-arrival message already exists in other user groups, e.g. WCO and PROTECT. The Committee noted the group's view that it would be possible to develop the message. The Committee also noted that the group suggested to submit the following observations to MSC 81:

- .1 paragraph 3.1 – the ISSC and the Interim-ISSC are not listed in the UN Code List and the organization may have to submit a new code request to UN/CEFACT;
- .2 paragraphs 3.3 and 3.3.2 - UNLOCODE may compensate for port and country since it consists of country and port code; and
- .3 paragraph 6.3 – “Signature” needs to be an electronic equivalent.

5.19 Having considered the recommendation of the group, the Committee instructed the Secretariat to request from the UN/CEFACT the allocation of codes for the ISSC and the Interim-ISSC for their listing in the UN Code List.

5.20 The Committee was informed that during the development of the standard data set of security-related information, the use of the UNLOCODE in lieu of port and country was discussed and accepted. However, as not all port facilities were associated, at that time, with the UNLOCODE, MSC 79 agreed to the inclusion of the UNLOCODE if available. Efforts were being made to associate all port facilities with the UNLOCODE. As a result, the Committee saw no need to refer the observation referred to in paragraph 5.18.2 to MSC 81.

5.21 In addition, the Committee was informed that paragraph 14 of the Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port (MSC/Circ. 1130) already recognizes that the standard data set of the security-related information may be submitted in an electronic format and that, in such a case, the submission will not bear the signature of the person submitting the information unless a secure form of electronic signatures is available. The Committee concluded that it was not necessary to refer the observation referred to in paragraph 5.18.3 to MSC 81.

6 APPLICATION OF THE COMMITTEE'S GUIDELINES

Amendments to the Rules of Procedure

6.1 The Committee recalled that, at its thirty-first session, it had adopted amendments to the Committee's Rules of Procedure to open the meeting of the Committee to the public unless it decides otherwise. In this context, having noted that the MSC and the MEPC, following the approval by C 92 of the Guidelines for media access to meetings of the Committees and their subsidiary bodies and the Council's instruction to amend their Rules of Procedure as necessary, had adopted the amended rules of their Rules of Procedure, the Committee adopted the amended rule 9 “Publicity” of its Rules of Procedure, as set out in annex 2, to harmonize it with that adopted by the MSC and MEPC.

6.2 The Committee noted (FAL 32/2/2, paragraph 2) that MSC 80, having agreed that experts could participate in the MSC and sub-committee sessions on condition that they provided written advice or expertise only through the Secretariat, participated only in sessions, or parts thereof, to which they had been specifically invited and did so without taking part in debates and without a vote, had adopted a new rule 45 “Invitation to experts” of its Rules of Procedure.

6.3 Following the discussion, the Committee agreed to amend its Rules of Procedure, with a view to inviting, when necessary, experts to the Committee’s meetings, as the MSC did, and adopted a new rule 48 “Invitation to experts”, as set out in annex 2.

6.4 Subsequently, the Committee invited the Council to note the adoption by the Committee of the above amendments to its Rules of Procedure.

Distribution of documents

6.5 The Committee noted that MSC 80 had noted the difficulties arising for Member Governments and international organizations in the light of the reduced distribution of hard copies of session documents, which made their availability on the IMODOCS website crucially important. In this respect, the MSC noted that this issue had been addressed in an MEPC 53 document and would likely be brought up in the Council and that, to address such difficulties, it may be necessary to consider improving the reliability of access to the IMODOCS website and the distribution of documents as attachments to e-mail messages.

Guidelines on the organization and method of the Committee’s work

6.6 The Committee, having recalled that FAL 31 had approved the rearranged and modified Guidelines on the organization and method of work of the Committee (FAL.3/Circ.186), invited Member Governments to submit comments and proposals, as appropriate, on the Committee’s Guidelines with a view to improving them.

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

Review of Standards and Recommended Practices in the Annex to the FAL Convention to which differences have been registered by Contracting Governments

7.1 The Committee recalled that, at its thirty-first session, it had considered the completed questionnaires (FAL.3/Circ.184) submitted by fourteen Member Governments and one Associate Member, namely Denmark; Greece; Hong Kong, China; Italy; Malta; Poland; the Republic of Korea; Sweden; the United Kingdom; the United States; Japan (non-Contracting Government to the Convention) (FAL 31/7/1); Singapore (FAL 31/7/1/Add.1); Belgium (FAL 31/7/1/Add.2); Cuba (FAL 31/7/1/Add.3) and Brazil (FAL 31/7/1/Add.4) and, having agreed that the review of Standards and Recommended Practices to which differences have been registered by Contracting Governments should be further considered at FAL 32, urged those Member Governments, which had not yet responded to the questionnaire in FAL.3/Circ.184, to do so at their earliest convenience.

7.2 The Committee noted with appreciation the completed questionnaires submitted by the Governments of Argentina (FAL 32/7), the Bahamas, Norway, the Netherlands and Thailand (FAL 32/7/Add.1).

7.3 The Committee further noted with appreciation the diagnosis of the implementation of the FAL Convention in Colombia (FAL 32/7/1).

7.4 The Committee agreed to instruct the working group, referred to in paragraph 4.20 above, to consider documents FAL 31/7/1 and Adds.1 to 4, FAL 32/7 and Add.1 and identify Standards or Recommended Practices which might need to be reviewed in light of differences registered by Contracting Governments to the Convention; and prepare a list of Standards and Recommended Practices, including the FAL forms, with a brief explanation/justification for the need to review.

Development of an explanatory Manual to the FAL Convention

7.5 The Committee recalled that, at its thirty-first session, having agreed that the development of a comprehensive explanatory Manual to the FAL Convention could lead to a better understanding of the underlying principles and promote the full implementation of the Convention helping, at the same time, Contracting Governments in preparing their national legislation and other regulatory instruments, it had approved the framework and time schedule for the development of the Manual, which should be a living document, only explanatory in nature, non-binding to Contracting Governments and entailing no legal obligations. The correspondence group, under the co-ordination of the Netherlands, was re-established to work intersessionally.

7.6 The Committee considered the report of the correspondence group (FAL 32/7/3) and agreed to re-establish the Correspondence Group on Development of an Explanatory Manual to the FAL Convention, under the co-ordination of the Netherlands*, to continue the work intersessionally and report to FAL 33.

7.7 The Committee instructed the working group to prepare a framework and schedule for the development of the Manual. The group was also instructed to develop terms of reference for the aforementioned correspondence group (see also paragraph 7.16).

Information submitted on implementation of individual provisions of the Annex to the Convention

7.8 The Committee recalled that, at its thirty-first session, it had concurred with the view of the Chairman that:

- .1 the responses to the questionnaire (FAL.3/Circ.184) cannot be taken as a formal notification by Contracting Governments of differences to Standards and/or the adoption of Recommended Practices in accordance with article VIII of the

* **Co-ordinator:**
Mr. Eildert Broekema
Policy Adviser
Ministry of Finance, Customs Policy
and Legislation Directorate
P.O. Box 20201
The Hague
2500 EE
The Netherlands
Telephone: + 31 70 342 8129
Fax: + 31 70 342 7938
E-mail: e.broekema@minfin.nl

FAL Convention unless Contracting Governments inform the Secretariat otherwise; and

- .2 Contracting Governments to the FAL Convention are, therefore, urged that if, after reviewing their differences as part of the exercise to reply to the questionnaire, they wish to update their previous notification of differences to Standards and adoption of Recommended Practices, they can do so by sending to the Secretary-General of the Organization a formal notification in accordance with article VIII of the Convention. The Secretariat should only include the notifications in Appendix 7 of any future reprints of the sales publication.

7.9 The Committee urged Contracting Governments to review their differences and notify them in accordance with article VIII of the Convention.

Proposed amendments to the Annex to the FAL Convention

7.10 The Committee agreed to further consider the proposal by France (FAL 32/7/2) at the next session and invited Member Governments to submit comments thereon to FAL 33.

Instructions to the working group

7.11 The Committee instructed the working group, referred to in paragraph 4.20 above, to:

- .1 consider documents FAL 31/7/1 and the associated Adds 1 to 4 and FAL 32/7 and Add.1 and identify Standards or Recommended Practices which need to be reviewed in light of differences registered by Contracting Governments to the Convention; and prepare a list of such Standards and Recommended Practices, including the FAL forms, with a brief explanation/justification for the need to review;
- .2 continue the development of an Explanatory Manual to the FAL Convention; and
- .3 make an oral progress report on Friday, 8 July 2005.

Report of the working group

7.12 Upon receiving the report of the working group (FAL 32/WP.2/Add.1), the Committee took action as indicated in the ensuing paragraphs.

7.13 The Committee considered the documents related to the questionnaire in FAL.3/Circ.184 and, based on a short analysis, identified five Standards and two Recommended Practices where more than five differences were mentioned in the 22 replies.

7.14 The Committee identified seven differences in Standard 2.3.4, six differences in Standard 2.6.1, eleven differences in Standard 2.6.3, six differences in Standard 3.10.1 and nine differences in Standard 3.15. The Committee further identified six differences in Recommended Practice 2.3.1 and five differences in Recommended Practice 2.7.3.

7.15 The Committee noted that it was not possible to make a detailed analysis based on the eight available documents and, accordingly, instructed the Secretariat to carry out such a detailed analysis. In order to assist the Secretariat to carry out a meaningful analysis, the Committee

urged those Member Governments, which had not yet responded to the questionnaire (FAL.3/Circ.184), to do so as soon as possible.

7.16 The Committee discussed the further development of the explanatory Manual to the FAL Convention and, having recalled its decision to re-establish the correspondence group (see paragraphs 7.6 and 7.7 above), reiterated the terms of reference for the correspondence group, set out in annex 5 to document FAL 31/20.

7.17 The Committee, noting also that there were two alternatives, namely a section-based approach and a provisions-based approach, instructed the correspondence group to also consider the matter and reach agreement before drafting the Manual. The correspondence group, when considering the issue, should note that, to date, the Committee has used the provision-based approach, when suggesting text for the Manual to the FAL Convention.

7.18 The Committee also agreed that when proposing amendments to the FAL Convention, Member Governments should also propose relevant text for the Manual.

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

Statistical information

8.1 The Committee recalled that, since MSC 77, the usual monthly and quarterly reports on piracy and armed robbery against ships had been circulated under the MSC.4/Circular series, the annual report for the calendar year 2004 having been issued under the symbol MSC.4/Circ.64.

8.2 The Committee also recalled that, since June 2001 and in accordance with the instruction of MSC 74, the MSC circulars reporting on acts of piracy and armed robbery against ships differentiated (in separate annexes) between acts of piracy and armed robbery actually “committed” and “attempted” ones.

8.3 In considering documents FAL 32/8 and FAL 32/2/2 (Secretariat), the Committee noted that the number of acts of piracy and armed robbery against ships, which were reported to the Organization to have occurred or to have been attempted in 2004, was 330, a decrease of 130 (27%) over the figure for 2003. The total number of incidents of piracy and armed robbery against ships, reported to have occurred from 1984 to the end of May 2005, was 3,828.

8.4 The Committee observed that although this 27% annual decrease in the reported acts of piracy and armed robbery against ships was encouraging, the fact that the annual report indicated an increase in the violence of the attacks, was not. The incidence of such acts remained a cause for serious concern and, therefore, as emphasized at previous sessions of both the MSC and the FAL Committees, much more still needed to be done to reduce this menace. The Committee noted that MSC 80 agreed (MSC 80/24, paragraph 17.4) that it was still too soon to quantify the effect that the implementation of SOLAS chapter XI-2 and the ISPS Code had in reducing the number of piracy and armed robbery cases. The observer from ICS expressed concern that despite the entry into force of SOLAS chapter XI-2 and the ISPS Code, based on their studies, the number of reported incidents of armed robbery and attempted armed robbery in some port areas had actually increased since 1 July 2004.

8.5 The Committee noted that, from the reports received, it had emerged that the most affected areas in 2004 (i.e. five incidents reported or more) were the Far East, in particular the South China Sea and the Malacca Strait, West Africa, South America (Pacific and Atlantic) and

the Caribbean, the Indian Ocean and East Africa; and that detailed statistical information was provided in MSC.4/Circ.64. The Committee further noted that most of the attacks worldwide had occurred or had been attempted in territorial waters, while the ships were at anchor or berthed.

8.6 The Committee noted with concern that in many of the reports received, the crews had been violently attacked by groups of five to ten people carrying knives or guns. It was noted that during 2004, the number of crew members and passengers reportedly killed rose from 13 to 30; the number of injured rose from 45 to 87, and at least a hundred and forty (140) crew members and passengers were taken hostage and/or were missing, out of whom forty three (43) were still unaccounted for (from 54 in 2003). Nine ships (9) were hijacked and three lost.

8.7 The Committee further noted that although, since the 11 September 2001 attacks, emphasis had been placed on the enhancement of maritime security, piracy and armed robbery against ships continued to trouble seafarers and the shipping industry. Although the implementation of the special measures to enhance maritime security detailed in SOLAS chapter XI-2 and the ISPS Code was expected to have a positive impact on the reduction of piracy and armed robbery incidents, SOLAS Contracting Governments should be aware of the fact that continued activities of that nature would raise serious concerns as to the compliance of the ports and port facilities of the country concerned with the maritime security regime. The Committee urged all Governments and the industry to intensify and co-ordinate their efforts to eradicate these unlawful acts.

8.8 Noting that in the year to May 2005, the Secretariat had received no reports from Member Governments on action they had taken with regard to incidents reported to have occurred in their territorial waters, and had only received one such report since MSC 80, the Committee noted the urgent need for all Governments to provide the Organization with the information requested. The Committee agreed that it was only with this information that the Organization would be able to assess if the correct actions were being taken, or if more needed to be done.

Initiatives to counter piracy and armed robbery at sea

8.9 The Committee noted that the United Kingdom had developed, and was now taking forward, a pro-active package of measures to both strengthen the security of its merchant fleet and provide support, in terms of advice and capacity building to foreign nations which had a serious problem and where such assistance was sought. The Committee noted that the aim was to tackle the problem at its root cause and that international co-operation would be required to maximize the impact of this initiative.

8.10 The Committee noted that, at the request of the Government of Yemen, a sub-regional seminar on piracy and armed robbery against ships and maritime security, had been held in Sana'a, Republic of Yemen, from 9 to 13 April 2005 at which ten States from the Red Sea and Gulf of Aden sub-region had been represented. This seminar had been highly successful and the atmosphere throughout the seminar had been one of a commitment to take active measures to increase co-operation in the region to counter piracy and increase security. A strong resolution giving statements of intent by all of the States represented at the seminar had been issued.

8.11 The Committee further noted that the Secretariat, supported by the Government of Denmark, had also undertaken a mission to Chittagong, Bangladesh during April 2005, which had included participation in the national Seminar/Workshop on the ISPS Code, which also addressed armed robbery against ships.

8.12 The Committee noted that the Organization, in co-operation with MOWCA, was progressing a project to establish a regional integrated coastguard network for MOWCA Member States which could reduce the incidence of piracy and armed robbery against ships, and requested support for this initiative.

United Nations open-ended informal consultative process

8.13 The Committee noted that in relation to piracy and armed robbery, the Fifth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (7 to 11 June 2004) adopted United Nations General Assembly Resolution 59/24 on Oceans and the Law of the Sea operative paragraphs 47 and 48:

“47. Urges all States, in cooperation with the International Maritime Organization, to combat piracy and armed robbery at sea by adopting measures, including those relating to assistance with capacity-building through training of seafarers, port staff and enforcement personnel in the prevention, reporting and investigation of incidents, bringing the alleged perpetrators to justice, in accordance with international law, and by adopting national legislation, as well as providing enforcement vessels and equipment and guarding against fraudulent ship registration.”

“48. Welcomes the progress in regional cooperation in the prevention and suppression of piracy and armed robbery at sea in some geographical areas, and urges States to give urgent attention to promoting, adopting and implementing cooperation agreements, in particular at the regional level in high-risk areas.”

Information on the development of GISIS

8.14 In considering the discussions during MSC 79 on the development of the IMO Global Integrated Shipping Information System (GISIS) and, in particular, the possibility of making the data stored in the Secretariat database on piracy and armed robbery against ships, accessible and searchable on the IMO public website, the Committee noted the specific need for information on incidents, as submitted to the Organization, to contain the IMO ship identification number, as appropriate.

Trafficking or transport of illegal migrants by sea

8.15 With regard to the trafficking or transport of illegal migrants by sea, the Committee recalled that MSC 70 had approved MSC/Circ.896 on Interim measures for combating unsafe practices associated with the trafficking or transport of illegal migrants by sea, and had invited Member Governments to promptly convey to the Organization reports on relevant incidents and measures taken to enable the updating or revising of the circular. The Committee further recalled that the circular was revised in the light of experience and reissued by MSC 74 as MSC/Circ.896/Rev.1.

8.16 The Committee noted that reports of trafficking or transport of illegal migrants by sea were collated and disseminated by the Secretariat on a biannual basis under the MSC.3/Circular series. The Committee reiterated the need for Contracting Governments to the Convention and Member States of the Organization to submit timely and accurate information, in accordance with MSC/Circ.896/Rev.1. The Committee agreed that such information might also serve as a useful measure of the effectiveness, or otherwise, of access control and other special measures to enhance maritime security, in ports and port facilities.

9 PREVENTION AND CONTROL OF ILLICIT DRUG TRAFFICKING: FACILITATION ASPECTS

Review of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships (resolution A.872(20))

9.1 The Committee recalled that, pursuant to 2002 SOLAS Conference resolution 3 on Further work by the International Maritime Organization pertaining to the enhancement of maritime security, operative paragraph 1(h), FAL 31 had reviewed the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships (annex to resolution A.872(20)) and agreed that, in view of the fact that the Guidelines contained various ship security-related aspects, which might not be totally in line with the provisions of the ISPS Code, the suitability of the Guidelines for further use might be questioned. Therefore, there was an urgent need to revise the Guidelines to align them with the provisions of the ISPS Code.

9.2 The Committee recalled further that FAL 31 had agreed that the revision of the Guidelines should be completed within the current biennium to enable submission of the required amendments to the twenty-fourth session of the Assembly for consideration and adoption. Having further agreed that, if necessary, a working group should be established at FAL 32 to complete this work, FAL 31 had invited submissions and urged Member Governments and international organizations to ensure that their delegations to FAL 32 were composed of persons with appropriate expertise.

9.3 The Committee recalled also that FAL 31 had:

- .1 invited submissions on the revision of the Guidelines and annexes 5 and 8 thereto, to which only Colombia responded;
- .2 instructed the Secretariat to prepare appropriate amendments to annexes 1, 3 and 6 to the Guidelines; and
- .3 noted that it may be necessary to revoke resolution A.872(20) entirely and replace it with a new one.

9.4 In considering the report by the Secretariat (FAL 32/9), the Committee acknowledged that MSC 79 had noted, in particular, that FAL 31 had decided that the illicit trafficking of drugs, psychotropic substances and precursor chemicals was, in essence, a criminal activity and that it should be addressed as such and, consequently, it should not be mixed with issues of terrorism or maritime security. The Committee also noted that MSC 79, however, had concluded, *inter alia*, that the two Committees should co-operate, within their respective mandates, and co-ordinate their activities with a view to enhancing security, whilst, at the same time, maintaining a reasonable balance of facilitation of maritime traffic.

9.5 In considering the review of resolution A.872(20), the Guidelines and its annexes, the Committee noted that, in addition to the special measures to enhance maritime security detailed in SOLAS chapter XI-2 and the ISPS Code, pursuant to 2002 SOLAS Conference resolutions 8 and 9 on Enhancement of security in co-operation with the International Labour Organization and on Enhancement of security in co-operation with the World Customs Organization, respectively, these Organizations had developed the ILO/IMO Code of practice on security in ports and the WCO Framework of standards to secure and facilitate trade, respectively. The

Committee agreed that there was a need to make reference to these instruments in the preamble to the replacement for resolution A.872(20).

9.6 The Committee agreed that the Guidelines, although generally consistent with the spirit of the ISPS Code, would benefit from a detailed outline, in the preamble to the Guidelines, of the relationship between the Guidelines and the provisions of SOLAS chapter XI-2 and the ISPS Code, the ILO/IMO Code of practice on security in ports and the WCO Framework of standards to secure and facilitate trade; a general linkage between the recommendations of the Guidelines and the ship and port facility security plan and the role of the ship, company and port facility security officers; and a general editorial review for consistency of terminology.

9.7 The Committee further agreed that, in order to maintain currency and relevance, the inclusion of statistics and other information on drug-related trends in an Assembly resolution would necessitate regular updating by the Committee and would be based on the findings of other UN agencies and international organizations. Noting that since the adoption of resolution A.872(20) in 1997, many UN agencies and international organizations, for example the United Nations International Narcotics Control Board, the United Nations Office on Drugs and Crime, the World Customs Organization and INTERPOL had started to make relevant information available on their respective websites, the Committee decided to replace annexes 3 to 7 to the Guidelines by a list of appropriate websites, to enable users of the Guidelines to receive the most accurate information available.

9.8 The Committee agreed that the existing annexes 2 and 8 to the Guidelines should be revised and retained. To this end, the Committee again called upon Contracting Governments to the Convention to supply current details for inclusion in the amended annex 8 and agreed that the existing annex 2 should be amended to reflect the close relationship between security and facilitation.

9.9 The Committee decided that the other existing general annexes to the Guidelines would be suitable, once they had been updated, for inclusion as background material, in a revised model course.

9.10 In their document FAL 32/9/1, Colombia advised the Committee that the United Nations Security Council in resolutions 1373 (2001) (operative paragraph 4) and 1456 (2003) (preambular paragraph), *inter alia*, noted with concern the close connection between international terrorism and trans-national organized crime, illicit drugs, money-laundering and illegal arms-trafficking, and emphasized the need to enhance co-ordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to these serious threats to international security.

Colombia suggested replacing the existing resolution A.872(20) by “Regulations for the prevention of illicit drug trafficking and control of the diversion of chemical products”, the objectives of which were to manage the risks to which masters and crews of ships engaged in international maritime traffic are exposed when involved in situations arising from illicit drug trafficking and/or drug addiction and which might disrupt the overall security of maritime transport; and to provide substantive support for the co-operative effort to prevent any possible links between illicit trafficking and international organized crime. Colombia advised that the proposed regulations were intended to reflect the current emphasis on security and on consistency of approach between the ISPS Code and the FAL Convention, in an effort to achieve a suitable balance between control and facilitation which ensures the free flow of international trade.

Colombia indicated that training and qualifications for personnel on board and on land represented the best means of preventing and controlling illicit drug trafficking on board and, therefore, in their view, it was necessary to revise the model course on prevention and control of illicit trafficking of drugs on board ship, and to include it in the training programmes concerned with maritime and port facility security so as to provide seamen and land-based support services with integrated and comprehensive training and qualifications.

9.11 While the proposals of Colombia in relation to the revision of the Guidelines (FAL 32/9/1, annex) were supported by a number of delegations, the Committee agreed that the present recommendatory character of the existing Guidelines should be retained and that their transformation into some form of “regulations”, which implied a mandatory character, should not be pursued.

9.12 The observer from ICS stated that enhancement of maritime security and the prevention of smuggling were largely dependent upon effective access control and that this was both a ship and a port facility responsibility. The ISPS Code established IMO competence in respect of port facilities and the Guidelines should therefore be expanded to include the actions to be taken by port facilities to prevent drug trafficking. In addition, they indicated that it was desirable to provide statistical information in relation to smuggling activities through which owners and operators would be able to easily identify high-risk ports and areas and thus, in turn, enhance the measures applied to prevent smuggling.

9.13 The Committee agreed that alignment of the Guidelines with the provisions of SOLAS chapter XI-2 and the ISPS Code was an essential element of the review and would need to be done in conjunction with the Maritime Safety Committee. In this respect, the Committee also agreed that the revision of the Guidelines should be done in such a manner that the end result would not duplicate the existing provisions of the ISPS Code but augment and supplement these, in the context of preventing illicit drug trafficking, where necessary.

9.14 The Committee recognized, bearing in mind the results of the discussion and the need to carry out the task in conjunction with the Maritime Safety Committee, that it would be practically impossible to complete the revision of the Guidelines during the session and to submit the revised Guidelines to the twenty-fourth session of the Assembly, scheduled to take place in November 2005, for adoption as envisaged during FAL 31.

9.15 The Committee agreed that the revision of the Guidelines was a priority issue and, as a result, it was necessary to find a way to promulgate and make available the revised Guidelines before the twenty-fifth regular session of the Assembly which was expected to take place in the autumn of 2007. To this end, the Committee agreed to prepare and to submit for consideration and adoption by A 24 of an Assembly resolution on the revision of the Guidelines through which A 24 would, *inter alia*, authorize the Committee and the Maritime Safety Committee to adopt jointly the required amendments to the Guidelines (or to adopt a new version of the Guidelines, if necessary) and would require the two Committees to report accordingly to A 25 on the actions taken.

9.16 The Committee referred the issue of the revision of resolution A.872(20) to the SPI Working Group with the following terms of reference:

- .1 prepare a draft Assembly resolution on the revision of 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

- .2 consider the need for revision of the current model course on prevention and control of illicit trafficking of drugs on board ships and, if so, to prepare the framework and timetable for the revision work.

9.17 Having considered the part of the report of the SPI Working Group (FAL 32/WP.3) relating to the item, the Committee took action as indicated in the ensuing paragraphs.

9.18 The Committee approved the draft Assembly resolution on Revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships (resolution A.872(20)), set out in annex 3, for submission to the twenty-fourth session of the Assembly for adoption.

9.19 The Committee agreed to establish the Correspondence Group on the Revision of the Guidelines, under the co-ordination of Colombia*, with the following terms of reference:

Notwithstanding the decisions of the Maritime Safety Committee, the correspondence group should prepare appropriate amendments to the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships (resolution A.872(20)). The correspondence group should take into account the discussions and decisions of FAL 32 (which are summarized in the terms of reference set out below) and the fact that the Colombian proposals (FAL 32/9/1, annex) received a wide in principle acceptance and thus, notwithstanding the provisions of the ISPS Code, should be the basis for further work. To this end, the correspondence group should:

- .1 ensure that the amendments to the Guidelines to be proposed (the revised Guidelines) retain the current recommendatory character of the Guidelines. To this end, it is noted that FAL 32 had agreed that it was not the intention to develop any form of “regulations” or guidelines of a mandatory nature;
- .2 ensure that provision of the revised Guidelines are in line with the provisions of SOLAS chapter XI-2 and the ISPS Code and other decisions of the Maritime Safety Committee relating to the implementation of SOLAS chapter XI-2 and the ISPS Code. The revision of the Guidelines should be done in such a manner that the end result does not duplicate the existing provisions of the ISPS Code but augments and supplements these, in the context of preventing illicit drug trafficking and controlling the diversion of precursor chemicals, where necessary;
- .3 ensure that a balance is achieved between facilitation and security and also between the responsibilities of the port facilities and ships;
- .4 ensure consistency between the recommendations to be contained in the revised Guidelines and ship and port facility security plans and the roles of the ship, company and port facility security officers;

* **Co-ordinator:**
Sr. Contralmirante Edgar Augusto Cely Nuñez
Director General Marítimo
Colombia
E-mail: ecely@dimar.mil.co

- .5 make reference to, and take account of, the guidance given in the ILO/IMO Code of practice on security in ports and the WCO Framework of standards to secure and facilitate trade;
- .6 make reference to, and take account of, relevant material developed by other United Nations agencies and international organizations, for example the United Nations International Narcotics Control Board, the United Nations Office on Drugs and Crime, the World Customs Organization and INTERPOL;
- .7 revise and retain existing annex 2 to reflect the close relationship between security and facilitation;
- .8 replace existing annexes 3 to 5 to the Guidelines by a list of appropriate references to internet websites maintained by other United Nations agencies and international organizations, for example those of the United Nations International Narcotics Control Board, the United Nations Office on Drugs and Crime, the World Customs Organization and INTERPOL, to enable users of the revised Guidelines to receive the most accurate information available and avoid the need for adopting frequent amendments in order to keep the revised Guidelines current and updated;
- .9 consider whether the existing annex 8, listing contact points in ports for reporting drug incidents, should be retained as part of the revised Guidelines or whether it would be best to develop an appropriate FAL circular which could be kept continuously updated by the Secretariat;
- .10 revise and update the existing annexes 1, 6 and 7 and consider and advise which parts of the revised and updated annexes would be suitable, once they have been updated, for inclusion as background material in a revised model course;
- .11 depending on the extent of the amendments to be proposed, consider and advise whether it would be best to replace the Guidelines by a new version and, in such a case, prepare the necessary text; and
- .12 submit a report not later than 13 weeks before the opening of MSC 81, currently scheduled for 10 May 2006, to enable MSC 81 and FAL 33 to consider the matter further.

9.20 The Committee decided that, in order to expedite the completion of the work, the correspondence group should submit its report, for consideration, to MSC 81 and FAL 33. The Secretariat was instructed to inform the MSC accordingly.

Revision of the model course on prevention and control of illicit trafficking of drugs on board ships

9.21 The Committee agreed that, at this stage, the commencement of the revision of the model course on prevention and control of illicit trafficking of drugs on board ships and the preparation of associated framework and timetable was not warranted.

10 MEASURES TO ENHANCE MARITIME SECURITY: FACILITATION ASPECTS

General

10.1 The Committee dealt with the various issues under this agenda item under the following headings:

- .1 security-related information to be submitted prior to the entry of a ship into port (FAL 32/10 (Secretariat), paragraphs 1 to 10 and FAL 32/10/1 (ICS), except paragraphs 6.1 and 6.2 which have been dealt with under agenda item 4);
- .2 recommendations on the safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675) (FAL 32/10 (Secretariat), paragraphs 13 and 14 and FAL 32/10/2 (ICHCA International Ltd.));
- .3 outcome of MSC 79 and MSC 80 in relation to other matters connected with the measures to enhance maritime security (FAL 32/10 (Secretariat), paragraphs 15 to 20 and FAL 32/2/2 (Secretariat), paragraphs 9 and 10));
- .4 developments within the World Custom Organization (FAL 32/2/2 (Secretariat), paragraphs 11 to 14 and FAL 32/INF.7 (Secretariat)); and
- .5 use of the information and communication technology to support tasks related to the facilitation of maritime traffic and maritime and port security (FAL 32/INF.5 (Chile)).

Security-related information to be submitted prior to the entry of a ship into port

10.2 The Committee recalled that the 2002 SOLAS Conference had adopted resolution 3 entitled "Further work by the International Maritime Organization pertaining to the enhancement of maritime security" which, in operative paragraph 1, *inter alia*, requested the Organization to:

"(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;"

10.3 The Committee also recalled that FAL 31, having considered facilitation aspects of maritime security, developed (FAL 31/20, paragraph 8.34) a standard minimum data set that ships could expect to be required to transmit prior to entry into port and had invited MSC 79 to review the content of such a data set and advise the Committee on whether the suggested set includes the security-related information a ship might expect to provide prior to its arrival, if it is requested to do so.

10.4 The Committee further recalled that FAL 31 had agreed (FAL 31/20, paragraph 8.35) that, once the contents of the data set have been established and agreed by the MSC, the Committee might consider including an appropriate message in the IMO Compendium on Facilitation and Electronic Business (FAL.5/Circ.15 and Corr.1) and that, following the consideration of the recommended data set by the MSC, the Committee might need to examine IMO FAL Form 1 on IMO General Declaration.

10.5 The Committee noted that MSC 79 had:

- .1 considered (MSC 79/23, paragraph 5.23) the outcome of FAL 31 on the issue and, recognizing that the provisions of SOLAS regulation XI-2/9 do not create any obligation on a ship to provide, in advance of arrival in a port, security-related information to a duly authorized officer without receiving a formal request, agreed that the large and diverse variety of practices which had been developed since 1 July 2004 demanding the submission of information, were not conducive to the efforts to enhance maritime security. As a result, MSC 79 concluded that the development by the Organization of a standard data set of security-related information which a ship might be expected to submit pursuant to the provisions of SOLAS regulation XI-2/9 would be desirable;
- .2 acknowledged the majority of those who spoke during MSC 79 stated (MSC 79/23, paragraph 5.24) that such a standard data set or form should contain the minimum security-related information and should not prevent a SOLAS Contracting Government from seeking the submission of further information within the framework of SOLAS regulation XI-2/9.2.1 and of paragraphs B/4.37 to B/4.40 of the ISPS Code. During MSC 79, it was also suggested that the data set or form to be developed should also provide for information on whether the ship is carrying any stowaways or illegal migrants;
- .3 referred (MSC 79/23, paragraph 5.26) the matter to the Maritime Security Working Group (MSWG) in the context of SOLAS regulation XI-2/9, the guidance provided in paragraphs B/4.29 to B/4.40 of the ISPS Code and resolution MSC.159(78) on Interim guidance on control and compliance measures to enhance maritime security, which had developed (MSC 79/23, paragraph 5.84) guidance material and a standard data set in respect of the issue of the security-related information a ship might be expected to provide prior to its entry into a port of a SOLAS Contracting Government;
- .4 agreed (MSC 79/23, paragraph 5.87) that prescribing a specific form or developing a specific format was premature and decided to keep the issue of the standard data set under review and to reconsider this issue at a later stage when SOLAS Contracting Governments have gained practical experience of using the standard data. MSC 79 agreed that the finalized standard data set should be included, at the appropriate time, in part B of the ISPS Code;
- .5 approved (MSC 79/23, paragraph 5.89), based on the work done by the MSWG, MSC/Circ.1130 on Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into ports;
- .6 expressed (MSC 79/23, paragraph 5.90) their appreciation to the Committee for the work done and advised that, in the light of the work done by MSC 79, there was no need for the Committee to continue its work on the development of a data set of security-related information a ship might be expected to provide prior to its entry into port;
- .7 agreed (MSC 79/23, paragraph 5.90) to advise the Committee that, even though the standard data set contained in MSC/Circ.1130 was subject to review and amendment by the MSC, the Committee should consider commencing the

development of an electronic data interchange message (EDI message), for joint adoption by the MSC and the Committee, and for inclusion in the IMO Compendium on Facilitation and Electronic Business, through which the standard data set could be transmitted electronically; and

- .8 agreed (MSC 79/23, paragraph 5.92) that, in cases where the SOLAS Contracting Government concerned did not specify any minimum period for the submission of security-related information, 24 hours should be considered as the recommended default time period. MSC 79 acknowledged (MSC 79/23, paragraph 5.25) that, in the case of voyages of short duration, the 24 hour time limit might, in some cases, be too long while in other cases it would be possible for a SOLAS Contracting Government, due to its geographic location, to establish a longer period.

10.6 The Committee agreed to instruct the working group, which was established under agenda item 5, to give preliminary consideration to the development of an electronic data interchange message (EDI message) for transmission of the security-related information as requested by MSC 79 and to advise the Committee on the issues it encounters so as to enable the establishment of the appropriate way forward.

10.7 ICS (FAL 32/10/1), commenting on MSC/Circ.1130 which, *inter alia*, provides guidance on a standard set of security-related information which ships might expect to provide, in the context of the provisions of SOLAS regulation XI-2/9, prior to their intended arrival, expressed its disappointment that the information should still be sent in a separate message from non-security related data which is already routinely submitted, unnecessarily increasing the workload of shipboard and suggested that the concept and details of the FAL Convention had been insufficiently taken into account in the development of the circular.

ICS identified a number of fundamental facilitation issues for possible attention and consideration by the Committee, which included:

- .1 the possibility of developing a “single window” approach. In this respect, ICS made reference to the Recommended Practice 1.2 of the FAL Convention which calls on public authorities to “provide for any two or more such documents to be combined into one in any case in which this is practicable and in which an appreciable degree of facilitation would result”;
- .2 the possibility for reducing duplication of data/document submissions, for example, having submitted a dangerous goods list, crew list and passenger list before arrival whether there is a need to submit them again on arrival; and
- .3 the possible need to amend the data requirements in Standard 2.1 of the FAL Convention.

ICS also invited the Committee to consider the data requirements related to security, as set out in MSC/Circ.1130, in the light of the above-mentioned comments and the provisions, standards, recommended practices and recommended formats in the FAL Convention and to consider the required further action to ensure a right balance between measures to enhance maritime security and facilitation of maritime transport.

10.8 The Committee noted that, during MSC 79, the submission of the required security-related information through the “single window” concept was not favoured and as a result BIMCO, ICS, INTERTANKO, ICCL, ICFTU and IFSMA made a statement which is set

out in annex 2 to document MSC 79/WP.7/Add.1. However, as the “single window” concept becomes more understood and widely used, the Committee expected that the MSC might, at a future date, reconsider the matter.

10.9 The observer from WCO informed the Committee that WCO supports the “single window” concept and that the WCO Council had recently approved Version 2 of the WCO data model and invited the Organization to participate in the development of Version 3. In addition, the observer from the WCO suggested that the Committee may wish to discuss the issue of the IMO standard data set at its next session, thus allowing WCO to submit Version 2 of their data model for consideration by FAL 33.

10.10 The Committee agreed that in the world of facilitation of maritime traffic the “single window” concept was the way forward for the future and that its use should be encouraged. However, concerns were expressed as to the ability of the concept to differentiate between security and non-security related data; to allow for multiple public authorities to obtain only those information for which they had authorized access; and to provide sensitive information to dedicated or specific recipients. In addition, it was pointed out that in a considerable number of Member States the level of awareness of the “single window” concept was limited and thus prevented delegations from engaging in an in depth discussion of the issues involved.

10.11 The Committee agreed to instruct the working group, which was established under agenda item 5, to discuss the various issues raised in relation to the ability of the “single window” concept and to advise the Committee accordingly.

10.12 The observer from WCO informed the Committee that WCO advised its 166 member customs services not to request the submission of data, information or documents which have already been supplied.

10.13 The Committee agreed that the submission of information, data or documents which have been submitted prior to the arrival of the ship should not be required again once the ship has arrived, except if changes or amendments had occurred in the interim period.

10.14 The Committee agreed to consider the need for a revision of Standard 2.1 of the FAL Convention at its next session and invited Member Governments and international organizations to submit their proposals to FAL 33.

Recommendations on safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675)

10.15 The Committee noted that MSC 79 had considered the work done by DSC 9 in relation to the revision of Recommendations on safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675) and had referred (MSC 79/23, paragraph 5.15) certain aspects of the recommendations to the MEPC, the BLG Sub-Committee and the STW Sub-Committee for their consideration. MSC 79 had designated (MSC 79/23, paragraph 5.15.3) the DSC Sub-Committee as the co-ordinating body and had also invited (MSC 79/23, paragraph 12.8) the Committee to consider those aspects of the draft revised Recommendations which fall within its purview.

10.16 ICHCA International Ltd. (FAL 32/10/2) expressed the view that the text of the Recommendations remains essentially sound, but as national legislation and even port byelaws may be based on the Recommendations, it indicates that there are aspects that should be taken in account before the revised circular is approved and to this end offered comments on specific aspects.

10.17 The Committee instructed the SPI Working Group to consider the suggestions of ICHCA International Ltd. (FAL 31/10/2) in relation to the revision of MSC/Circ.675 on Recommendations on the safe transport of dangerous cargoes and related activities in port areas and to advise the Committee on the recommended actions.

10.18 Having considered the part of the report of the SPI Working Group (FAL 32/WP.3) relating to the item, the Committee concurred with the views of the SPI Working Group (FAL 32/WP.3, paragraphs 12 and 13) and instructed the Secretariat to bring to the attention of DSC 10, the conclusions and recommendations of the SPI Working Group on the draft revised Recommendations on the safe transport of dangerous cargoes and related activities in port areas (DSC 9/15, annex 7) prepared by DSC 9, so as to enable the DSC Sub-Committee to take the required actions.

Outcome of MSC 79 and MSC 80

10.19 The Committee noted that MSC 79 and MSC 80, following consideration of issues relating to the implementation of the special measures to enhance maritime security, including the input by the appropriate sub-committees, had approved:

- .1 Interim guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities (MSC/Circ.1131);
- .2 Guidance relating to the implementation of SOLAS chapter XI-2 and of the ISPS Code (MSC/Circ.1132);
- .3 Reminder of the obligation to notify flag States when exercising control and compliance measures (MSC/Circ.1133);
- .4 False security alerts and distress/security double alerts (MSC/Circ.1109/Rev.1);
- .5 Guidelines on training and certification of company security officers (MSC/Circ.1154);
- .6 Guidance on the access of public authorities, emergency response services and pilots on-board ships to which SOLAS chapter XI-2 and the ISPS Code apply (MSC/Circ.1156);
- .7 Guidance on the priority and testing of ship security alert systems (MSC/Circ.1155);
- .8 Interim scheme for the compliance of certain cargo ships with the special measures to enhance maritime security (MSC/Circ.1157); and
- .9 with a view to adoption at MSC 81, draft amendments to the STCW Convention and part A of the STCW Code relating to certificate of proficiency for ship securing officers, and part B of STCW Code relating to training of ship security officers. The proposed draft amendments require candidates to be issued with a certificate of proficiency as a ship security officer to demonstrate that they have the knowledge to complete a range of tasks, duties and responsibilities.

10.20 In addition, the Committee noted that MSC 80 had also adopted:

- .1 resolution MSC.196(80) on Adoption of amendments to the International Code for the Security of Ships and of Port Facilities (International Ship and Port Facility Security (ISPS) Code)^{*} to include the IMO unique company identification number on the International Ship Security Certificate and on the Interim International Ship Security Certificate; and
- .2 resolution MSC.198(80) on Adoption of amendments to the Format and guidelines for the maintenance of the continuous synopsis record (CSR) (resolution A.959(23))^{*}, updating the CSR format to address a number of practical difficulties encountered during the transfer of flag and to include the IMO unique company and registered owner identification number in the format of the CSR.

Developments within the World Customs Organization

10.21 The Committee recalled that the 2002 SOLAS Conference had adopted resolution 9 on Enhancement of security in co-operation with the World Customs Organization (WCO) which, *inter alia*, requested WCO to urgently consider measures to enhance security throughout international movements of closed cargo transport units (closed CTUs) and that the SOLAS Contracting Governments had agreed that SOLAS should be amended, if and when appropriate, to give effect to relevant decisions taken by WCO and endorsed by them insofar as these relate to the carriage of closed CTUs by sea.

10.22 The Committee noted that MSC 80 had been informed (MSC 80/24, paragraph 5.73) that the Secretary-General of WCO in April 2005 had advised the Secretary-General of IMO that:

“The WCO Council had tasked, in June 2004, an *ad hoc* High Level Strategic Group of the representative Director Generals of Customs from across all WCO regions to draw together by June 2005, the measures and instruments to enhance the security of the international supply chain which the WCO Task Force developed between June 2002 and April 2003, into a Framework of Standards to secure and facilitate global trade (the Framework Standard).

The Framework of Standards was being developed with four principles in mind, namely that Customs services would undertake to harmonize advance electronic information; to use a consistent risk management approach; use non-intrusive detection equipment; and lead to the accrual of benefits to customs, business and ultimately nations.

At the heart of the Framework Standards were two ‘pillars’, the Customs-to-Customs pillar and the Customs-to-Business pillar.”

In addition, MSC 80 noted that, at that time, the WCO Council was expected to consider and adopt the “Framework Standards” at its forthcoming June 2005 session.

* Resolution MSC.194(80) on Adoption of amendments to the International Convention for the Safety of Life at Sea, 1974 as amended, relates to the amendments.

10.23 The observer from WCO informed the Committee (FAL 32/INF.7 (Secretariat)) that the Framework of Standards had been unanimously adopted by Directors General of 166 Customs Administrations meeting at the annual WCO Council sessions held from 23 to 25 June 2005. In this respect, he advised the Committee that the Framework of Standards was the start of the process and that specific standards will need to be developed and agreed.

10.24 The Committee noted the information provided by the observer from WCO and those set out in document FAL 32/INF.7 (Secretariat) and instructed the Secretariat to:

- .1 make available to the Committee the Framework of Standards to secure and facilitate global trade which has been adopted by the WCO Council, once these become available in their final format so as to enable it to consider the issues involved and to advance the matter within the areas under the purview of the Committee; and
- .2 to keep the Committee informed of any developments at WCO relating to supply chain security in order to enable the Committee to take any required actions.

Use of the information and communication technology to support tasks related to the facilitation of maritime traffic and maritime and port safety

10.25 The delegation of Chile (FAL 32//INF.5) informed the Committee that Chile has adopted and implemented "GRAFIMAR". This is a system of command and control to enforce the compliance of international rules and agreements, aimed at protecting life at sea, the environment and natural resources. This system allows the gathering of different types of information coming from public and private entities and integrates, relates and displays them in a maritime geographic information system in order to facilitate the tasks related to maritime traffic, prevention of marine pollution and maritime and port safety. The Committee noted the information provided by Chile and thanked the delegation of Chile for the PowerPoint presentation of "GRAFIMAR" they made during the session.

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

11.1 The Committee recalled that, at its thirty-first session, after a lengthy discussion on the issue of measures and procedures for the treatment of persons rescued at sea (FAL 31/20, section 9), it had:

- .1 approved, for adoption at this session, draft amendments to the FAL Convention to facilitate the arrival, stay and departure of ships engaged in the rescue of persons at sea (FAL 32/4, annex 1 refers);
- .2 agreed to further consider administrative procedures and a check-list for disembarking persons rescued at sea; and urged Member Governments and international organizations to submit proposals on these issues to FAL 31 (FAL 31/20, paragraph 9.8); and
- .3 noted the outcome of the inter-agency meeting and that the Secretariat would report any future developments at the inter-agency meeting at any future sessions of the Committee.

11.2 The Committee recalled that the draft amendments to the Annex to the FAL Convention relevant to persons rescued at sea were considered under agenda item 4, for adoption.

Administrative procedures and a check-list for disembarking persons rescued at sea

11.3 The Committee noted that there had been no submission from Member Governments or international organizations on the development of administrative procedures and a check-list for disembarking persons rescued at sea.

11.4 Following discussion, the Committee agreed that the issue should be further considered at the next session and invited Member Governments and international organizations to submit proposals on the development of administrative procedures and a check-list for disembarking persons rescued at sea to FAL 33.

Developments in the inter-agency group

11.5 The Committee was informed by the Secretariat on developments at the inter-agency group, that participants in the UN inter-agencies initiative relevant to persons rescued at sea continued to closely co-operate and share information, as appropriate, for example, on issues relating to the movement of potential migrants by sea and, in particular, in relation to incidents where persons rescued at sea by ships subsequently turn out to be asylum seekers. UNHCR, in co-operation with the IMO Secretariat and other agencies, was presently drafting further general guidance for the post-rescue phase to assist the masters and shipowners and Contracting Governments in those cases. It is intended that this guidance when drafted will comprise a brief guide as to which organizations to contact, their respective major responsibilities and other relevant general advice to further assist the master, shipowners, insurance companies, and other interested parties to disembark the persons rescued with the least disruption.

11.6 The Committee instructed the Secretariat to report to FAL 33 further developments at the inter-agency group.

12 SHIP/PORT INTERFACE

General

12.1 The Committee dealt with the various issues under this agenda item under the following headings:

- .1 the SPI Working Group working methods (FAL 32/12, paragraphs 1 to 5);
- .2 model course for port ballast water management officer (FAL 32/12/1);
- .3 development of guidelines on minimum training and education for shore-side mooring personnel (FAL 32/12/2);
- .4 increase in denying shipments of the IMDG Code class 7 radioactive materials specifically “Cobalt-60/UN 2916” in or through worldwide ports (FAL 32/12, paragraphs 8 to 14 and FAL 32/12/3); and
- .5 bibliography (FAL 32/12, paragraph 15).

The SPI Working Group working methods

12.2 The Committee recalled that FAL 31 had considered (FAL 31/20, paragraphs 12.29 to 12.40) the proposals by the Chairmen of the MSC, MEPC and the FAL Committee on the work of the SPI Working Group (FAL 31/12/2) and, after an in-depth discussion on the issue, agreed that facilitation aspects of a ship/port interface nature (especially those concerning maritime security, in particular the recognized need for a balanced approach to security *vis-à-vis* facilitation of maritime traffic) should continue to be considered by the Committee under an appropriate agenda item. When considering such an item on the basis of specific proposals, the Committee may decide whether its in-depth examination would necessitate it being referred to an *ad hoc* SPI Working Group.

12.3 The Committee further recalled that FAL 31 had agreed (FAL 31/20, paragraph 12.41) that:

- .1 although the adoption of measures for the enhancement of the security of ships and of port facilities would henceforth be the prerogative of the Contracting Governments to the 1974 SOLAS Convention and under the purview of the MSC, facilitation aspects of such measures should be considered by the Committee to balance the interests and needs of the shipping and port industries. Therefore, the Committee, for the foreseeable future, would need to retain in its agenda and work programme an item on “Measures to enhance maritime security: Facilitation aspects”. Such an arrangement would also enable the Committee to discuss issues relating to maritime security other than those raised within the MSC, for example as a result of the work undertaken by WCO or ILO;
- .2 the existing agenda item and work programme on ship/port interface should be maintained and any sub-agenda item should be listed under this item. Thus, the Committee would have the flexibility and opportunity to address any issues arising from the ship/port interface; and
- .3 the SPI Working Group need not be convened as a joint working group of the MSC, the MEPC and the FAL Committee and would henceforth be convened as a working group of the Committee as and when the Committee considered it necessary. In such a case, the Committee would determine the terms of reference of the SPI Working Group, based on the nature of the items to be referred to the group for consideration at the particular time.

12.4 The Committee noted that MSC 79 had:

- .1 considered documents MSC 79/22/5 (outcome of FAL 31) and MSC 79/22/5/Add.1 (outcome of MEPC 52) and MSC 79/22/5/Add.2 on the outcome of the meeting of the Chairmen of the MSC, MEPC and the FAL Committee, who met at the request of MEPC 52, during the ninety-third session of the Council; and
- .2 having concurred with the views of the Committee and the outcome of the Chairmen’s meeting, agreed that the SPI Working Group would henceforth be convened as a working group of the Committee, as and when that Committee considered it necessary. Both the MSC and the MEPC may refer henceforth, as necessary, matters for the consideration by the Committee but would not instruct

directly the SPI Working Group to deal with them. In this manner, the Committee will have the opportunity to discuss the matters referred to it and to organize and manage its work appropriately.

Model course for port ballast water management officer

12.5 The Committee recalled that:

- .1 MSC 71 had included the development of training requirements for ballast water management as an item in the work programme of the STW Sub-Committee (MSC 71/23, paragraph 20.55);
- .2 MSC 78 had changed the title of the STW Sub-Committee's work programme item to "development of training requirements for the control and management of ships' ballast water and sediments" and had extended the target completion date of this item to 2007 (STW 36/17, paragraph 11.2); and
- .3 STW 35 had invited Member Governments and non-governmental organizations to submit proposals on developing the training requirements for the control and management of ships' ballast water and sediments to STW 36 for consideration (STW 36/17, paragraph 11.3).

12.6 The Committee noted (FAL 32/12/1) that STW 36 had:

- .1 noted (STW 36/17, paragraph 11.4) that MEPC 52, recalling MEPC 49's concurrence with the decision of MSC 77 to include the item on "Development of requirements for training in ballast water management" in the agenda of the STW Sub-Committee as a high-priority item, had encouraged delegations and observers to submit relevant proposals for consideration by the Sub-Committee;
- .2 considered (STW 36/17, paragraph 11.5) the proposal by India (STW 36/11) that, it would be premature to develop mandatory training requirements within the STCW Convention before the entry into force of the Convention for the Control and Management of Ships' Ballast Water and Sediments and it would be more appropriate if voluntary guidance in the form of model courses for both shipboard and port ballast water management officers could be developed at this stage;
- .3 agreed (STW 36/17, paragraphs 11.7 and 11.10) that development of voluntary guidance in the form of a model course was the way forward at that point in time. However, in the longer term the STW Sub-Committee felt that, for the shipboard personnel, it should form part of the STCW training requirements for officers at management and operational levels; and
- .4 agreed (STW 36/17, paragraphs 11.9) to recommend to MSC 80 to refer the proposal for the development of the model course for Port Ballast Water Management Officer to the Committee for its advice on the need thereof.

12.7 The Committee agreed that there is a need to develop a model course on Port Ballast Water Management and thanked India for its offer to develop such a model course. The Committee also agreed that it did not foresee, in relation to the provisions of the BWM Convention, any need for the development of any mandatory training requirements for shore-based personnel or port officials.

Development of guidelines on minimum training and education for shore-side mooring personnel

12.8 The Committee recalled that:

- .1 FAL 30 (FAL 30/12, paragraph 12.31) and MSC 77 (MSC 77/26, paragraph 2.9) had agreed, based on the proposals from the SPI Working Group, to establish a correspondence group on the development of guidelines on minimum training and education for shore-side mooring personnel, under the co-ordination of Germany. FAL 30 and MSC 77, recognizing that certain Member Governments, port authorities and industry associations already have standards in place, and in order to avoid duplication of work, had approved MSC/Circ.1098-FAL/Circ.99, inviting Member Governments and non-governmental organizations in consultative status to submit such standards to the co-ordinator of the correspondence group;
- .2 the co-ordinator of the correspondence group had advised FAL 31 (FAL 31/20, paragraph 12.46), with regret, that it had not received any requests for participation in the work of the correspondence group or information on existing standards from Member Governments or non-governmental organizations in consultative status. The European Boatmen's Association, an organization which has no consultative status with the Organization, had provided the co-ordinator with information on their agreed Minimum Standards for Boatmen Qualifications, Education & Training and a statement related to security, which were attached as annexes to document FAL 31/12/3;
- .3 during FAL 31, the delegation of Germany had advised (FAL 31/20, paragraph 12.47) the Committee that, based on their experiences, a number of countries needed the proposed guidelines on minimum training and education of shore-side mooring personnel and, thus, it suggested that this item should not be deleted from the work of the Committee. The delegation of Germany further indicated that they intend to solicit additional information from the European Boatmen's Association, a non-governmental organization who has no consultative status with the Organization but which, however, has an extensive experience on the subject, and to make an appropriate submission to the next session of the Committee for its consideration; and
- .4 FAL 31 had agreed (FAL 31/20, paragraph 12.48) to maintain this item in its work programme with a target completion date of 2005 and, as a result of its decisions on the future work of the SPI Working Group (FAL 31/20, paragraphs 12.40 to 12.42), had decided to delete this item from the work programme of the SPI Working Group and instructed the Secretariat to inform MSC 79 accordingly.

12.9 Germany (FAL 32/12/2), following the discussions during FAL 31, submitted draft guidelines on minimum training and education for shore-side mooring personnel, based on the standards adopted by the members of European Boatmen's Association, together with an associated draft FAL/MSC circular.

12.10 During the debate which followed the introduction of the proposals by Germany (FAL 32/12/2, annex), a number of delegations indicated that they were prepared to accept the proposed guidelines on minimum training and education for shore-side mooring personnel. However, a number of delegations considered that the proposed guidelines were based on the

European model and might not be suitable as a minimum global standard. In addition, a number of delegations also expressed concern at the level of detail in the draft detailed training programme (FAL 32/12/2, appendix to annex) and indicated that the anticipated duration of the training, notwithstanding that this would be on-the-job training, was, in their opinion, too long.

12.11 Furthermore, some delegations stated that, in their view, it was not clear who the target audience of the proposed guidelines should be and whether this should be shore-side personnel, tug and mooring boat crews, or both. It was also pointed out that, in some countries, those engaged as mooring personnel may have had limited schooling and establishing specific entry requirements (FAL 32/12/2, appendix to annex) for academic achievement may be unrealistic and impracticable. The Committee was advised that the industry was conducting a study on the shore-based services provided to ships led by the Nautical Institute which was, *inter alia*, looking into the issue of mooring personnel training.

12.12 The Committee agreed that there was support for developing the guidelines on minimum training and education for shore-side mooring personnel with a clear target audience in mind. It was accepted that the proposed guidelines in their current format may be over-detailed and not suited as minimum requirements for global application.

12.13 The Committee instructed the SPI Working Group to consider the draft guidelines on minimum training and education for shore-side mooring personnel submitted by Germany (FAL 32/12/2, annex) and to advise the Committee on the recommended actions.

Difficulties encountered with shipments of the IMDG Code class 7 radioactive materials

12.14 The Committee recalled that:

- .1 FAL 31 had considered (FAL 31/20, paragraphs 12.7 to 12.28) the issue of the denial of transportation and shipment of consignments of Cobalt-60 and had agreed that, in fact, the transportations of all consignments of the IMDG Code class 7 radioactive materials which have medical applications, in an efficient, expeditious and low cost manner, has a humanitarian dimension, is in the interest of public health and, thus, is for the benefit of society at large. FAL 31 decided (FAL 31/20, paragraph 12.27) that the Organization, in co-operation with IAEA, if possible, should raise the matter with the World Health Organization (WHO) and should seek the support of WHO in the efforts undertaken with a view to resolving the issue; and
- .2 FAL 31 had agreed (FAL 31/20, paragraph 12.28) that, subject to the consideration of the matter by the DSC Sub-Committee from the safety point of view and within the framework of IAEA, the aim should be to develop either a communication by the Organization, possibly in the form of a FAL circular, or a joint communication by the Organization, IAEA and WHO, if possible, stressing the benefits resulting from the use of Cobalt-60 in its various applications; confirming that the shipment of consignments of Cobalt-60, in accordance with the relevant provisions of SOLAS chapter VII and of the IMDG Code, provide the required level of safety; and inviting Governments and those concerned to facilitate its shipment in and through ports.

12.15 The Committee noted (FAL 32/12, paragraphs 10 to 14) that:

- .1 DSC 9 had considered (DSC 9/15, paragraph 3.24) the requests of FAL 31 (DSC 9/2/5) concerning shipments of Cobalt-60 (UN 2916), as well as related submissions by Canada, WNTI and IAEA and, after a detailed consideration of the issue, had confirmed that all shipments of the IMDG Code class 7 radioactive materials, when in compliance with the relevant provisions of SOLAS chapter VII and of the IMDG Code, should not be denied on grounds of safety;
- .2 with regard to the request of FAL 31 that the DSC Sub-Committee might wish to review the existing provisions of the IMDG Code in the light of any recent developments on the matter within the framework of the IAEA or the UN Committee of Experts on the transport of dangerous goods and on the globally harmonized system of classification and labelling of chemicals (UNCOE), DSC 9 had agreed (DSC 9/15, paragraph 3.26) that, as the IMDG Code is amended every two years and as these amendments take into account the relevant developments which take place at the IAEA and the UNCOE, this particular request of the FAL 31 was adequately addressed; and
- .3 DSC 9 was of the view (DSC 9/15, paragraph 3.28) that the reasons for such denial and delays included the involvement of numerous competent authorities, the need for carrier radiation protection programmes when carrying such cargoes, the need to travel through areas which have been declared as nuclear free zones, prohibitions on docking for ships carrying the IMDG Code class 7 cargoes, high insurance and thus commercial costs, and public apprehensions. In this context, DSC 9 was of the opinion that training and awareness programmes among relevant authorities, carriers and public would help in alleviating some of the apprehensions and requested the Organization to take steps towards conducting relevant activities through its technical co-operation programmes.

12.16 Canada (FAL 32/12/3) commented on the outcome of the considerations of the issue by DSC 9 and provided information to the Committee on the developments at other organizations and, in particular, IAEA and ICAO on the matter. In addition, Canada invited the Committee to request the SPI Working Group to consider:

- .1 the matter further and to develop a communication by the Organization on the issue, possibly in the form of a FAL circular. The draft FAL circular proposed by Canada draws attention to the increasing difficulty in shipping the IMDG Code class 7 radioactive materials and, in particular, Cobalt-60 (UN 2916); emphasizes the importance of these materials (i.e., that Cobalt-60 is depended upon worldwide to sterilize products and prevent disease); notes the constructive developments undertaken to address this issue; and outlines what may need to be done further to facilitate such shipments, based in part on developments at IMO; and
- .2 the engagement of technical or regulatory authorities in Member States to determine the reasons for the problem and actions required to address denials of shipment (for example, the involvement of various port authorities so as to have a better understanding of the issue and work together to facilitate shipments).

12.17 The observer from IAEA advised the Committee that, following the discussion of the issues during FAL 31, the IAEA had:

- .1 convened a consultants meeting of experts to identify the causes of the reported instances of denial of shipment of radioactive materials and recommend measures to comprehensively and effectively address the issues and had informed the Organization and ICAO of the recommendations of the consultants;
- .2 devised a half-day Training programme for cargo handlers. This programme can be dovetailed to the existing training programmes on handling dangerous goods;
- .3 devised a half-day Training programme for public authorities. This programme familiarizes Public Authorities with the safety standards so that the IMDG Code class 7 radioactive materials are moved safely and smoothly; and
- .4 developed a Radiation protection programme specifically for public authorities which should be included in a Safety Guide which is under preparation.

In addition, the IAEA Secretariat had already drawn the attention of the Member States in the Board of Governors meetings and in the General Conference of IAEA to the issue.

12.18 The observer from IAPH advised the Committee that IAPH, following the discussions of the issue during FAL 31, had informed its membership on the matter and they are in the process of starting an information campaign with a series of articles on the transport of the IMDG Code class 7 radioactive materials, in general, and on the transport of Cobalt-60, in particular.

12.19 The observer from ICS advised the Committee that a survey of their membership had revealed that carriers have a perception that ports and public authorities discourage the transport of consignments of the IMDG Code class 7 radioactive materials. It was suggested that the matter could be alleviated if carriers were provided with assurances that ports and public authorities would not impose any measures against ships carrying such consignments. The survey conducted did not reveal that any company had an expressed policy to refuse the transport of the materials under discussion.

12.20 The Committee, in an effort to alleviate the difficulties encountered with shipments of the IMDG Code class 7 radioactive materials and, in particular, Cobalt-60, agreed to develop a communication on the issue and instructed the SPI Working Group to consider the matter and, taking into account the outcome of DSC 9 (FAL 32/12, paragraphs 8 to 14 (Secretariat)) and the proposals by Canada (FAL 32/12/3, annex), to advise the Committee on the recommended course of action.

Bibliography

12.21 The Committee recalled that FAL 31 had decided (FAL 31/20, paragraph 12.49) to remind Member Governments and international organizations to submit to the Secretariat relevant information, for example, information on publications which have been withdrawn, new editions of existing publications, new publications which need to be included in the bibliography, so as to enable, in turn, the Secretariat, to keep the bibliography (FAL.6/Circ.9/Rev.1 and Corr.1) updated.

12.22 The Committee, noting that the revised bibliography was circulated by FAL.6/Circ.10, agreed to invite Member Governments and international organizations to continue to submit to the Secretariat information relevant to the bibliography and that the Secretariat, in turn, should continue to keep the bibliography updated as and when changes occur.

Reconvening of the SPI Working Group

12.23 The Committee decided to reconvene the SPI Working Group, under the chairmanship of Mr. William Cotter (United States), with the following terms of reference:

- .1 to prepare a draft Assembly resolution on the revision of 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 (see also paragraph 9.16.1);
- .2 to consider the need for revision of the current model course on prevention and control of illicit trafficking of drugs on board ships and, if so, to prepare a framework and timetable for the revision work (see also paragraph 19.16.2);
- .3 to consider the draft guidelines on minimum training and education for shore-side mooring personnel submitted by Germany (FAL 32/12/2, annex) and to advise the Committee on the recommended actions;
- .4 to consider the issue of difficulties encountered with shipments of the IMDG Code class 7 radioactive materials and, in particular, Cobalt-60 and, taking into account the outcome of the consideration of the issue by DSC 9 (FAL 32/12, paragraphs 8 to 14 (Secretariat)) and the proposals by Canada (FAL 32/12/3, annex), to advise the Committee on the recommended actions;
- .5 to consider the suggestion of ICHCA International Ltd (FAL 31/10/2) in relation to the revision of MSC/Circ.675 on Recommendations on the safe transport of dangerous cargoes and related activities in port areas and to advise the Committee on the recommended actions (see also paragraphs 10.15 to 10.18); and
- .6 to submit a report to plenary by Thursday, 7 July 2005.

Report of the SPI Working Group

12.24 Upon receiving the report of the SPI Working Group (FAL 32/WP.3), the Committee approved the report in general and took action as indicated in the ensuing paragraphs.

Minimum training and education for shore-side mooring personnel

12.25 The Committee, having noted and concurred with the discussions, assumptions and recommendations of the SPI Working Group in the formulation of guidelines and training material on the minimum training and education for mooring personnel (FAL 32/WP.3, paragraphs 6 to 8), approved FAL.6/Circ.11 on Guidelines on minimum training and education for mooring personnel.

12.26 The Committee decided to establish the Correspondence Group on Development of a Model Course on Training of Mooring Personnel, under the co-ordination of Germany*, which, *inter alia*, should prepare and submit for consideration by FAL 33, course frameworks, course outlines and terms of reference for the developers, including a series of project milestones leading to delivery of the camera-ready draft of the proposed model courses to IMO.

Shipments of IMDG Code class 7 radioactive materials and, in particular, Cobalt-60

12.27 The Committee approved FAL.6/Circ.12 on Difficulties encountered in the shipment of IMDG Code class 7 radioactive material and, in particular, Cobalt-60.

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

Implementation of the standardized IMO Model FAL Forms

13.1 The Committee, at its thirty-first session, recalling (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 Member States of the Community, which made IMO FAL Forms (1 to 6) mandatory in EC Member States, had formally entered into force and, therefore, EC Member States had to amend or bring into force their respective national laws, regulations and administrative provisions to comply with the Directive in September 2003, invited those EC Member Governments, which had not provided updated information on the status of implementation of the FAL forms, to do so at their earliest convenience.

13.2 The Committee, being informed by the Secretariat that so far nine EC Member Governments had provided updated information (Belgium, Denmark, Greece, Italy, Malta, the Netherlands, Norway, Sweden and the United Kingdom), invited those EC Member Governments, which had not provided the requested information, to do so at their earliest convenience.

13.3 The Committee noted the extent of implementation of the standardized FAL Forms by 54 Contracting Governments and an Associate Member (FAL 32/13), which reflected the updated information received from the Governments of Argentina, Brazil, Cuba, Denmark, the Netherlands and Norway since FAL 31.

13.4 The Committee, noting that only 54 Governments out of 102 Contracting Governments to the FAL Convention, had provided information on implementation of the FAL Forms, urged those Governments which had 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).

* **Co-ordinator:**
Captain Hans-Jürgen Roos
Managing Director
GAUSS
Head Office
Werderstr. 73 D-28199 Bremen
E-mail: hjroos@gauss.org

13.5 The Secretariat advised the Committee that the information on the implementation by the Bahamas of FAL Forms, which was contained in the response to the questionnaire in FAL.3/Circ.184 (document FAL 32/7/1/Add.1, annex), would be included in the next print of tabulation of the implementation of FAL Forms (FAL 32/13, annex).

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

Stowaway incident reports

14.1 The Committee noted that, since FAL 31, the Secretariat had issued quarterly reports on stowaway incidents (FAL.2/Circs.85, 86, 88 and 90) for the period between 1 July 2004 and 30 June 2005. The total number of stowaway incidents, reported from November 1998 to 30 June 2005, was 2,440.

14.2 The Committee further noted from the annual statistics for the years 2003 and 2004 (FAL.2/Circ.89) that 281 stowaway incidents had occurred (183 in 2003 and 98 in 2004), involving 686 stowaways (476 in 2003 and 210 in 2004). From the statistics, it has emerged that the most affected areas were West Africa (208 stowaways – 43.70% in 2003 and 106 stowaways – 54.48 % in 2004) and the Mediterranean, the Black Sea and the North Sea (114 stowaways – 23.95% in 2003 and 64 stowaways – 30.48% in 2004).

14.3 Noting that since the adoption of the 2002 amendments to the FAL Convention addressing the resolution of stowaway incidents and the entry into force on 1 July 2004 of SOLAS chapter XI-2 and the ISPS Code, there had been a significant decrease in the number of stowaway incidents, the Committee was of the view that this development clearly showed that the efforts of IMO had a positive impact on the reduction of stowaway cases.

14.4 Some delegations and observers expressed the view that the actual number of stowaway incidents might be much higher since not all countries would have reported such incidents. Other delegations stated that the number of stowaway cases might also be much higher than stowaway incidents reported in the statistics as attempted stowaways were not reported under the current reporting system.

14.5 The Committee expressed its appreciation to those Member Governments and international organizations which had submitted the reports on stowaway incidents and invited them to continue to report such incidents; and further urged those Member Governments, which had not yet submitted such reports, to do so, in accordance with resolution A.871(20) and FAL.2/Circ.50/Rev.1.

National legislation or practices addressing stowaways

14.6 The Committee recalled that, at its thirty-first session, it had urged Member Governments to provide the Organization with their national legislation or current practices, in accordance with FAL.2/Circ.50/Rev.1.

14.7 Noting that no such legislation or current practices had been submitted to this session, the Committee urged Member Governments to submit them to FAL 33.

Harmonization of forms and notifications for the return of stowaways

14.8 The Committee recalled that, at its thirty-first session (FAL 31/20, paragraph 11.12), it had invited Member Governments to submit to FAL 32 models of their national forms and notifications used for the return of stowaways, recalling its decision at FAL 30 (FAL 30/20, paragraph 11.10) that such information should be reviewed with the aim of preparing standard forms to be included in the FAL Convention. Denmark had provided information on their national form for notification of stowaways to FAL 31 (FAL 31/INF.4).

14.9 The Chairman, recalling that Recommended Practice 4.6.2 states that “when gathering relevant details for notification, the shipmaster should use the form as specified in appendix 3”, and in view of the successful experience and measures in the resolution of stowaway cases, expressed his view that Member Governments and international organizations might wish to consider changing this Recommended Practice to a Standard and formalize the recommended form into a FAL Form, which may lead to the harmonization of forms used in reporting stowaways to public authorities and thus would assist ship’s masters in reducing documentary requirements.

14.10 Subsequently, the Committee invited Member Governments and international organizations to consider the above proposal by the Chairman and submit to FAL 33 comments and proposals thereon and also to submit models of their national forms and notifications used for the return of stowaways.

Guidelines on stowaways (resolution A. 871(20))

14.11 The Committee invited Member Governments to submit comments and proposals to strengthen the Guidelines on the allocation of responsibilities to seek the successful resolution of stowaways, to FAL 33, if considered necessary.

15 FACILITATION ASPECTS OF OTHER IMO FORMS AND CERTIFICATES

Certificates and documents required to be carried on board ships

15.1 The Committee recalled that, at its thirty-first session, it had approved the revised list of certificates and documents required to be carried on board ships and had agreed that it should be kept under review and updated as appropriate. The revised list was forwarded to MSC 79 and MEPC 52 and was approved by them and subsequently circulated by means of FAL.2/Circ.87-MEPC/Circ.426-MSC/Circ.1151.

15.2 ICS (FAL 32/15), referring to various certificates and documents required to be carried on board ships, as listed in FAL.2/Circ.87-MEPC/Circ.426-MSC/Circ.1151, suggested that the validation and examination of many mandatory certificates and documents currently required to be carried on board ships could be better achieved through on-line access to databases of issuing Administrations. They invited the Committee to consider whether access by port State control officers to the information on certificates of ships engaged in international voyages would be facilitated and simplified through the use of modern communication technology.

15.3 The Committee supported the proposal by ICS and was of the view that, from the facilitation point of view, such a system would have advantages as it would:

- .1 reduce delays in ports, as port State control officers could examine and verify the validity of certificates and documents before a ship's arrival;
- .2 enhance security, as it would reduce the risk of fraudulent paper certificates;
- .3 reduce the risk of detention of vessels in ports if paper certificates were accidentally destroyed due to fire or water or other incident on board;
- .4 enable the master to spend less time collecting and presenting certificates and documents for ship inspections since they could be verified on a pre-arrival basis; and
- .5 enable port State control authorities to access a ship's certificates and documents at all times enabling any problems between port State and flag State to be addressed.

15.4 The Committee agreed that a more detailed analysis needed to be carried out to identify those certificates and documents which would have to be kept on board ships and those which might be retained in electronic format. The Committee recognized that careful consideration be given to who could access such electronic documents.

15.5 After a lengthy discussion on the issue, the Committee also noted that there might be various options in developing such a system. One such system would be for the flag State Administration to allow port State Administrations access to databases of data elements of ship certificates and documents, through secure and reliable systems. Another might be the establishment of a centralized database for all ships engaged in international voyages.

15.6 Recognizing that this work is related to the work of the MSC and the MEPC, the Committee agreed that before it could start to study the information technology requirements for such system, feedback on the acceptability, feasibility and practicability of the system would be required from the MSC and the MEPC.

15.7 The Committee, in view of the perceived advantages to port States of having access to information on ship certificates and documents on a pre-arrival basis, and of the advantages to the ship of the removal of the need to collect and present such certificates and documents at port State inspections, requested the MSC and MEPC to consider the proposal as worthy of further examination by the Committee and advise the Committee as to which certificates might be made accessible by electronic systems.

16 TECHNICAL CO-OPERATION SUB-PROGRAMME FOR FACILITATION

16.1 The Committee noted (FAL 32/16 and FAL 32/INF.6) that, since FAL 31, four national FAL seminars had been held in Pointe-Noire, Congo (18 to 22 October 2004), in Dar-es-Salaam, Tanzania (13 to 17 December 2004), in Sierra Leone (23 to 27 May 2005) and in Kenya (6 to 10 June 2005), financed by the Technical Co-operation Fund. In addition, one national FAL seminar was planned to be held in Cape Verde in 2005.

16.2 The Committee further noted that the Congo seminar was the second FAL seminar in the country and its main objective was to raise the relevant authorities' and operators' awareness with regard to establishing a maritime "single window", which was portrayed by all national contributors as the key to solving the problems encountered by operators in the port of Pointe-Noire.

16.3 The Committee also noted that the Tanzania seminar was the first FAL seminar in the country. Its main objective was to impart a thorough knowledge of the FAL Convention and the benefits to be derived therefrom, to senior and middle management personnel with decision-making responsibilities, engaged in the activities dealing with maritime traffic and other areas of importance related to the ship/port interface.

16.4 The Committee expressed its appreciation to the Governments of Congo, Kenya, Sierra Leone and Tanzania for hosting, and to the Secretariat and consultants for organizing and successfully conducting, those seminars.

16.5 The delegations of Kenya and Tanzania, expressing their appreciations to the technical assistance provided by the Secretariat and consultants, informed the Committee that their countries were under preparations for ratifying the FAL Convention.

Integrated Technical Co-operation Programme (ITCP) for 2006-2007

16.6 The Committee noted that TC 55 had approved the ITCP for 2006-2007 (TC 55/3/3) which included the ITCP's mission statement and priorities, its long- and medium-term goals, reference to the Strategic plan for the Organization (2004 to 2010), and the thematic priorities identified by the Committees.

16.7 The Committee was informed by the Secretariat that a total of 13 FAL seminars, workshops and advisory missions were planned to be organized for the countries in the Arab and Mediterranean, Asia and Pacific and Latin America regions under the ITCP, for 2006 – 2007.

Access to IMO instruments in electronic format

16.8 The Committee noted that TC 55 had considered a report on the analyses of the results of the pilot scheme for access to certain IMO instruments (the FAL Convention, ISM Code, MARPOL Convention, STCW Convention and STCW Code) in electronic format, including statistics on downloads up to February 2005, in addition to Council document C 94/3(e)/3 which contained the figures for the 18-month period from July 2003 to December 2004 with supplementary data during the period August 2004 to February 2005 when texts in other official languages were uploaded. The original aim of making these texts available on-line was to assist Member States, particularly those in developing countries, in their efforts to implement IMO instruments. The study had, however, established that no obvious change had been observed in the pattern of adoption of, ratification of, or accession to, the relevant IMO instruments during the course of the pilot scheme and that the main beneficiaries of the scheme had been the private sector and users in developed countries. It was noted that after the addition of the remaining five official languages, more than 90% of all downloads were in English, which reflect, the pattern of sales of IMO publications. The addition of official languages other than English had not had a significant effect on any of the observed patterns. The TCC was also informed that free publications were already being made available to developing countries through ITCP activities, in particular seminars and workshops. An appreciable percentage of funding of such events was earmarked for the distribution of free publications.

16.9 The Committee further noted that C 94 had considered the results of the Pilot Scheme for the Electronic Access to certain IMO Publications (C 94/3(e)/3), and decided to maintain the Scheme for another year and to evaluate its effectiveness in accordance with the recommendations of the TCC. The Council requested the Secretariat to undertake a survey, within the ambit of the ITCP, to assess the relative impact of the Scheme on developing countries and to assess how the scheme might be utilized more extensively and effectively by developing countries; and requested the Secretary-General to report the outcome of the survey at C 96.

17 INSTITUTIONALIZATION OF THE FAL COMMITTEE

17.1 The Committee recalled that the Assembly, at its twenty-third session, noting the need for more Member Governments to accept the 1991 amendments to the IMO Convention aimed at institutionalizing the FAL Committee, to enable them to enter into force without further delay, had adopted resolution A.945(23) entitled "1991 amendments to the Convention on the International Maritime Organization (Institutionalization of the Facilitation Committee)" (FAL 31/16, annex).

17.2 The Committee noted that the Council, at its ninety-fourth session, had noted the information provided by the Secretary-General concerning the number of Member States which had accepted the 1991 amendments to the IMO Convention, and the additional measures he had undertaken, since C 93, to encourage the further acceptances required to bring the amendments into force. The Council also encouraged those Council Members, which had yet to accept the amendments, to give urgent consideration to the matter. The Council requested the Secretary-General to continue urging those Member States, which had not already done so, to consider accepting the 1991 amendments to the IMO Convention at the earliest possible opportunity; and to report to the twenty-third extraordinary session of the Council and the twenty-fourth session of the Assembly accordingly.

17.3 The Committee was informed by the Secretariat that, since the date of issuance of document FAL 32/17 (10 May 2005), more acceptances had been received, namely from: Albania, Jordan, Maldives and Senegal, thus, as of 6 July 2005, a total number of 92 Member Governments had accepted the 1991 amendments out of a required total of 110. Although this represents a significant increase of acceptances since the thirty-first session of the Committee, 18 more acceptances were required to bring the 1991 amendments into force 12 months after the last requisite acceptance has been received.

17.4 Recalling also the Secretary-General's opening remarks on this matter, the Committee expressed its appreciation for the steps he had taken to encourage the further acceptances required to bring the amendments into force.

17.5 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.

18 RELATIONS WITH OTHER ORGANIZATIONS

18.1 Having noted that no documents had been submitted on the item, the Committee instructed the Secretariat to keep the Committee informed of the developments in other international organizations, such as UN/ECE and UNCTAD, on trade facilitation, and invited Member Governments also to submit such information to future sessions of the Committee.

19 WORK PROGRAMME AND DATE OF NEXT SESSION

Role, mission, strategic direction and work of the Committee

19.1 The Committee recalled that, at its thirty-first session (FAL 31/20, paragraphs 17.10 to 17.12), it had:

- .1 acknowledged the fact that the adoption by the Organization of the special measures to enhance maritime security had created new responsibilities for the Organization in the context of the delivery of its Strategic Plan and, although the MSC would be, henceforth, the regulatory body for maritime security, this work would need to be complemented from a facilitation point of view, thus enabling the Organization to fulfil its mission, recalling the remarks of the Secretary-General, during the opening of the session, on the need to ensure that an appropriate balance is maintained between measures to enhance maritime security and measures to facilitate international maritime traffic;
- .2 acknowledging that there was an urgent need to stimulate interest and participation in its work, agreed that there was a need for it to discuss its work in detail at FAL 32 with a view to redefining and refining, as necessary, its role, mission, strategic direction and work;
- .3 agreed to report to the twenty-fourth session of the Assembly on how it would contribute, in co-operation with the other Committees, towards the achievement of the objectives of the Strategic Plan of the Organization; and
- .4 invited Member Governments and international organizations to submit ideas and proposals on the matter to FAL 32,

and noted that C 93 endorsed the outcome of the Committee's discussion on the issue.

19.2 In the absence of such proposals from Member Governments and international organizations, the Chairman proposed the draft role, mission, strategic direction and work of the Committee, as contained in document FAL 32/WP.1, for consideration by the Committee.

19.3 The Committee expressed its appreciation to the Chairman for the excellent work done by him and concurred with the Chairman's proposals, as highlighted in the annex to document FAL 32/WP.1. However, several delegations suggested some modifications to the proposed role, mission and strategic direction of the Committee to deflect: the complementarities between security and facilitation aspects; the need for more emphasis on technical co-operation in implementing the FAL Convention; and the need for further synergies with the work of other Committees to ensure that the facilitation aspect is given due consideration when developing international instruments (see also paragraphs 19.6.1 and 19.8).

19.4 A number of delegations expressed the view that there was a need for synergy between the proposals and the avoidance of duplication with the strategic directions in the Organization's Strategic Plan.

Draft high-level action plan and prioritization of areas of work for the Organization for 2006-2007 biennium

19.5 In considering document FAL 32/19/Add.1 (Secretariat), the Committee noted that the Council, at its ninety-third session, had adopted the draft high-level action plan for the period 2006-2009 (i.e., for the two biennia remaining of the current Strategic Plan period), set out in annex 1 to FAL 32/19/Add.1, for consideration by the Committees, with a view to its adoption at the twenty-fourth session of the Assembly. The Council had also decided that priorities for the 2006-2007 biennium should be outcome-based and be agreed by the Council on the basis of proposals made by the Committees and that the existing long-term work plan would be discontinued at the next Assembly. In order to guide the Committees in their consideration of priorities for the next biennium, the Council instructed the Secretariat to prepare outline proposals for biennial priorities. For the Committee, the draft 2006-2007 biennium priorities, in outcome-based format, linked as appropriate to the draft high-level action plan, are set out in annex 2 to FAL 32/19/Add.1 (see also paragraphs 19.6.2 and 19.10).

Establishment of the drafting group

19.6 The Committee established the Drafting Group on the Committee's Work and instructed it, taking into account the relevant decisions taken and comments made in plenary, to:

- .1 finalize the draft text of the role, mission, strategic direction and the work of the Committee (FAL 32/WP.1, annex); and
- .2 after finalizing .1 above, identify any necessary amendments or modifications to the draft high-level action plan (FAL 32/19/Add.1, annex 1) and to the draft outcome-based priorities for the Facilitation Committee for the 2006-2007 biennium (FAL 32/19/Add.1, annex 2).

Report of the drafting group

19.7 Having considered the report of the drafting group (FAL 32/WP.5), the Committee approved the report in general and took action as indicated in paragraphs 19.8 to 19.10 below.

19.8 The Committee approved the role, mission, strategic direction and work of the Committee, as set out in annex 4.

19.9 The Committee agreed that the "Strategic Direction" of the Committee should clearly be in consonance with the "Strategic Direction" of the Organization, as contained in resolution A.944(23).

19.10 The Committee confirmed the proposed amendments to the draft high-level action plan and the outcome-based priorities for the Facilitation Committee for the 2006-2007 biennium, set out at annexes 2 and 3 respectively to document FAL 32/WP.5, with minor modifications related to the numbering of some paragraphs. The Committee noted that, based on the proposed amendments by the FAL Committee and other Committees, the Secretariat would prepare a consolidated draft high-level action plan and prioritization of areas of work for the Organization for the biennium, for consideration by the Council (and its working group) and adoption by the twenty-fourth session of the Assembly.

Work programme

19.11 On the basis of the progress made during the session, the Committee reviewed and revised its work programme (FAL 32/WP.9, annex, as amended) and, having approved a list of substantive items to be included in the agenda for its thirty-third session, as set out in annex 5, invited the Council to approve them.

Meeting weeks for the biennium 2006-2007

19.12 The Committee recalled that, at its thirty-first session, it had considered the number of meeting weeks it would require in the 2006-2007 biennium and, after a lengthy discussion (FAL 31/20, paragraphs 17.4 to 17.7), had agreed that, for the purpose of the Secretary-General's relevant budget proposals, two meeting weeks should be tentatively allocated for the said biennium and that the proposed plan of meeting weeks would be further reviewed at FAL 32.

19.13 The Committee noted that C 93 had noted the Committee's recommendation that two meeting weeks be tentatively allocated in the biennium 2006-2007.

19.14 The Committee reviewed the plan of meeting weeks for the biennium 2006-2007, and in view of its future work plan and short-term workload, agreed that two meeting weeks should be allocated to the Committee for the said biennium, and approved the proposed plan of two meeting weeks for the relevant budget proposals of the Secretary-General for the biennium.

Date of next session

19.15 The Committee noted that its thirty-third session had been tentatively scheduled to take place from 3 to 7 July 2006.

20 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2006

20.1 The Committee, in accordance with its Rules of Procedure, unanimously re-elected Mr. C. Abela (Malta) and Captain A.E. Hill (Liberia) as Chairman and Vice-Chairman, respectively, for 2006.

21 ANY OTHER BUSINESS

Refusal of facilitation resulting in safety threatening conditions

21.1 Cyprus (FAL 32/21), commenting on the safety implications that may result from the refusal by Public Authorities to facilitate the movement of materials, equipment, fuels and supplies on board ship engaged in international voyages and strongly believing that all Member States should conduct themselves in a manner which is consistent with the purpose, aims and objectives of the Organization and with the aims and objectives of the IMO treaties they are party to, invited the Committee to consider the matter and take appropriate action.

21.2 The observer from ICS provided other examples where ICS felt that security requirements had compromised ship's safety including the refusal of shore access by crew members to check ship's draught during and after cargo operations. ICS urged that all Member States keep maritime safety in mind when applying security-related measures.

21.3 Having discussed the matter in detail, the Committee considered document FAL 32/WP.8 and approved FAL.6/Circ.13 on Facilitation in avoiding safety threatening conditions.

International Health Regulations

21.4 The Committee recalled that, at its thirty-first session, it had noted the information provided by WHO and the Secretariat that the WHO Global Working Group would finalize the revised International Health Regulations (IHR) for adoption at the World Health Assembly (WHA) in May 2005 and had instructed the Secretariat to keep it updated on the developments in WHO.

21.5 The Committee was informed by the Secretariat that the revised International Health Regulations were adopted by the World Health Assembly on 23 May 2005. The resolution to adopt the Regulations, followed by the text of the Regulations, is available at <http://www.who.int/csr/ihr/en>. These Regulations will enter into force in 2007 and Member States have five years following the date of entry into force to bring their surveillance and response capacities into line with the legislation.

Expression of appreciation

21.6 The Committee expressed appreciation to the following delegates and members of the Secretariat who recently relinquished their duties, retired or were transferred to other duties or were about to, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. Paul Defevere (Belgium) (on retirement)
- Mrs. Cuiming Xu (China) (on return home);
- Mr. Jørgen Rasmussen (Denmark) (on retirement)
- Mr. Michel S. Weizmann (France) (on retirement);
- Mr Knut Lyhile (Norway) (on retirement);
- Mr. Tom Allan (United Kingdom) (on retirement)
- Mr. Brian Parkinson (ICS) (on retirement)
- Mrs. Suzy Sookia (Secretariat) (on retirement); and
- Miss Mahvash Moghaddam (Secretariat) (on retirement).

22 REPORT TO THE COUNCIL

22.1 The Council is invited to:

- .1 note the adoption of amendments to the 1965 FAL Convention, introducing new concepts to align the Convention with recent developments in the field of information and communication technology, including the introduction of systems to allow pre-arrival and pre-departure information to facilitate the processing of

information required by public authorities and to transmit such information electronically to a single point (Single Window) (paragraphs 4.22 and 4.23 and annex 1);

- .2 note decisions of the Committee on the issue of electronic means for the clearance of ships, including the revision of IMO Compendium on Facilitation and Electronic Business; the development of Single Window System; the establishment of the EDI Working Group; and the development of EDI messages for transmission of security-related information (paragraphs 5.13 to 5.21);
- .3 note the adoption by the Committee of the amendments to the Committee's Rules of Procedure regarding the opening of the Committee's meetings to news media and invitation to experts (paragraphs 6.1 to 6.4 and annex 2);
- .4 note the action taken by the Committee with regard to the development of an explanatory Manual to the FAL Convention (paragraphs 7.16 to 7.18);
- .5 note the Committee's action with regard to the revision of the Guidelines for the Prevention and Suppression of the Smuggling of Drugs, Psychotropic Substances and Precursor Chemicals on Ships Engaged in International Maritime Traffic (resolution A.872(20)), in particular the approval of the draft Assembly resolution on Revision of resolution A.872(20) for submission to the twenty-fourth session of the Assembly for adoption (paragraphs 9.1 to 9.20 and annex 3);
- .6 note the Committee's action on facilitation-related maritime security issues, in particular its decision to further consider, at its next session, the matters emanating from the work of the World Customs Organization (WCO) relating to supply chain security (paragraphs 10.13, 10.14, 10.18 and 10.24);
- .7 note the Committee's action on the issue of measures and procedures for the treatment of persons rescued at sea (paragraphs 11.4 to 11.6);
- .8 note the Committee's action on the issue of minimum training and education for shore-side mooring personnel (paragraphs 12.25 and 12.26);
- .9 note the Committee's action on the issue of difficulties encountered in the shipment of IMDG Code class 7 radioactive material and, in particular, Cobalt-60 (paragraphs 12.14 to 12.20 and 12.27);
- .10 note the Committee's action on the issue of stowaways (paragraphs 14.2 to 14.5, 14.7, 14.10 and 14.11);
- .11 note the Committee's decision to study the development of an on-line system to access certificates and documents required to be carried on board ships (paragraphs 15.3 to 15.7);
- .12 note the action taken by the Committee on expediting its institutionalization (paragraphs 17.2 to 17.5);
- .13 note the Committee's approval of its role, mission, strategic direction and work (paragraph 19.8 and annex 4);

- .14 note the Committee's action on the draft high-level action plan and the outcome-based priorities for the biennium 2006-2007 (paragraph 19.10);
- .15 approve the list of substantive items to be included in the agenda for the Committee's thirty-third session (paragraph 19.11 and annex 5);
- .16 note the Committee's recommendation that two meeting weeks be allocated to the Committee for the biennium 2006-2007 (paragraph 19.14);
- .17 note the Committee's action on the issue of facilitation in avoiding safety threatening conditions (paragraph 21.3); and
- .18 approve the report in general.

ANNEX 1**RESOLUTION FAL.8(32)****Adopted on 7 July 2005****ADOPTION OF AMENDMENTS TO THE CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED**

THE FACILITATION COMMITTEE,

RECALLING article VII(2)(a) of the Convention on Facilitation of International Maritime Traffic, 1965, as amended, hereinafter referred to as “the Convention”, concerning the procedure for amending the Annex to the Convention,

RECALLING FURTHER the functions which the Convention confers upon the Facilitation Committee for the consideration and adoption of amendments to the Convention,

HAVING CONSIDERED, at its thirty-second session, amendments to the Annex to the Convention proposed and circulated in accordance with article VII(2)(a) thereof,

1. ADOPTS, in accordance with article VII(2)(a) of the Convention, the amendments to the Convention, the text of which is set out in the Annex to the present resolution;
2. DETERMINES, in accordance with article VII(2)(b) of the Convention, that the amendments shall enter into force on 1 November 2006 unless, prior to 1 August 2006, at least one third of Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments;
3. REQUESTS the Secretary-General, in conformity with article VII(2)(a) of the Convention, to communicate the amendments contained in the Annex to all Contracting Governments;
4. FURTHER REQUESTS the Secretary-General to notify all signatory Governments of the adoption and entry into force of the said amendments.

ANNEX

**AMENDMENTS TO THE ANNEX TO THE CONVENTION ON FACILITATION OF
INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED**

Section 1 - Definitions and general provisions

A. Definitions

1 The following new definitions “Customs clearance” and “Customs release” are added after the existing definition “Cruise ship”:

“Customs clearance. Accomplishment of the customs formalities necessary to permit goods to enter home use, to be exported or to be placed under another Customs procedure.

Customs release. Action taken by Customs authorities to permit goods undergoing clearance to be placed at the disposal of the persons concerned.”

2 The existing definition “Data carrier” is deleted.

3 In the existing definition “Document”, the existing text is replaced by the following new text:

“Document. Information presenting data by electronic means or by non-electronic means.”

4 The following new definition “Estimated time of arrival” is added after the definition “Document”:

“Estimated time of arrival (ETA). Time when a ship estimates it will arrive at the pilot station serving a port or, when it expects to enter a specific location in the port area, where port regulations apply.”

5 The existing definition “Mail” is deleted.

6 The following new definition “Manifest” is added after the new definition “Estimated time of arrival (ETA)”:

“Manifest. Document recapitulating the various data from bills of lading and other transport documents issued for the carriage of goods on board ships.”

7 In the existing definition “Passengers’ accompanied baggage”, the words “of goods” are added after the words “contract of carriage”.

8 The following new definition “Postal items” is added after the existing definition “Port”:

“Postal items. Correspondence and other objects tendered to be carried by a ship for carriage by postal administrations and intended for delivery to postal administrations in the ship’s ports of call.”

9 In the existing definition “Security measures”, the existing text is replaced by the following new text:

“*Security measures.* Measures developed and implemented in accordance with international agreements to improve security on board ships, in port areas, facilities and of goods moving in the international supply chain to detect and prevent unlawful acts*.”

10 The following new definition “Ship’s documents” is added after the existing definition “Shipowner”:

“*Ship’s documents.* Certificates and other documents which must be made available by a ship’s master in order to demonstrate the vessel’s compliance with international or national regulations.”

11 The following new definition “Temporary admission” is added after the existing definition “Stowaway”:

“*Temporary admission.* The Customs procedure under which certain goods can be brought into a Customs territory conditionally relieved, totally or partially, from payment of import duties and taxes and without application of import prohibitions or restrictions of economic character; such goods must be imported for a specific purpose and must be intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of them.”

12 In the existing definition “Transport document”, the word “Document” after the title is replaced by the word “Information”.

B. General provisions

13 In the existing Standard 1.1, the following sentence is deleted:

“Where a specific list of particulars is set out in this annex, public authorities shall not require to be furnished such of those particulars as they consider not essential.”

14 In the existing Recommended Practice 1.1.1, the words “automatic data-processing and -transmission techniques” are replaced by the words “systems for the electronic exchange of information”.

15 The existing Recommended Practice 1.3 is amended to read as follows:

“1.3 **Recommended Practice.** Measures and procedures imposed by Contracting Governments for the purposes of security or preventing the trafficking of narcotics should be efficient and, where possible, use information technology. Such measures and procedures (e.g. risk management and cross-checking of information) should be

* Reference is made to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 (SUA Convention), the International Ship & Port Facility Security Code (ISPS Code) and the International Convention for the Safety of Life at Sea, 1974 (SOLAS), chapter XI-2.

implemented in such a manner as to cause a minimum of interference with, and to prevent unnecessary delays to, ships and persons or property on board.”

C. Electronic data-processing techniques

16 The existing title “C. Electronic data-processing techniques” is replaced by “Systems for the electronic exchange of information”.

17 In the existing Standard 1.4, the words “electronic data interchange (EDI) techniques” are replaced by the words “systems for the electronic exchange of information required by public authorities for the arrival, stay and departure of the ship, persons and cargo”.

18 In the existing Standard 1.6, the words “electronic data interchange (EDI) techniques” are replaced by the words “systems for the electronic exchange of information”.

19 In the existing Recommended Practice 1.7, the words “electronic data interchange (EDI) techniques” are replaced by “systems for the electronic exchange of information”.

20 In the existing Recommended Practice 1.7(e) and (f), the word “techniques” is replaced by the word “systems”.

21 The following new Recommended Practices 1.7.1 and 1.8.1 are added after the existing Recommended Practices 1.7 and 1.8 respectively:

“1.7.1 **Recommended Practice.** Contracting Governments should encourage public authorities and other parties concerned to co-operate or participate directly in the development of electronic systems using internationally agreed standards with a view to enhancing the exchange of information relating to the arrival, stay and departure of ships, persons and cargo and assuring inter-operability between the systems of public authorities and other parties concerned.

1.8.1 **Recommended Practice.** Contracting Governments should encourage public authorities to introduce arrangements to enable trade and transport operators including ships to submit all the information required by public authorities in connection with the arrival, stay and departure of ships, persons and cargo, avoiding duplication, to a single entry point.”

22 In the existing Standard 1.8, the words “electronic data interchange (EDI) techniques” are replaced by the words “systems for the electronic exchange of information” and the word “techniques” is replaced by the word “systems”.

D. Illicit drug trafficking

23 The existing Recommended Practice 1.11 is deleted:

24 The following new section “E - Control techniques” is added after the existing section “D – Illicit drug trafficking”:

“E. Control techniques

1.11 **Standard.** Public authorities shall use risk management to enhance their border control procedures related to:

- the release/clearance of cargo;
- security requirements;
- their ability to target smuggling,

thereby facilitating the legitimate circulation of persons and goods.”

Section 2 – Arrival, stay and departure of the ship

A. General

25 In the existing Standard 2.1, the new document “Dangerous Goods Manifest” is added after the existing document “Passenger List”.

26 The following new Recommended Practices 2.1.2, 2.1.3, 2.1.4 and 2.1.5 are added after the existing Standard 2.1.1:

“2.1.2 **Recommended Practice.** Public authorities should develop procedures to use pre-arrival and pre-departure information in order to facilitate the processing of information required by public authorities for the expedited subsequent release/clearance of cargo and persons.

2.1.3 **Recommended Practice.** National legislation should specify the conditions for the lodgement of pre-arrival and pre departure information. With regard to the point in time of transmission of the pre-arrival information, it should not normally be set substantially before the moment the ship has left the country of departure. However, national legislation could, in addition to the basic rule, also specify the exceptions if the time required for the voyage is shorter than the basic rule.

2.1.4 **Recommended Practice.** Public authorities should not require the lodgment of a separate General Declaration, Cargo Declaration, Crew List and Passenger List if the data elements contained in these documents are included in the pre-arrival information.

2.1.5 **Recommended Practice.** Public authorities should:

- (a) develop systems for the electronic transmission of data for the lodgment of pre-arrival and pre-departure information;
- (b) consider the re-use or subsequent use of the pre-arrival and pre-departure information in subsequent procedures as part of all the information required for the release/clearance of passengers and cargo.”

B. Contents and purpose of documents

27 In the existing Standard 2.2, the word “information” is replaced by the word “data”.

28 In the existing Recommended Practice 2.2.1, the word “a” after the words “the departure of” is replaced by the word “the”.

29 In the existing Recommended Practice 2.2.2, the word “information” is replaced by the word “data” and a new bullet “• the ship’s requirements in terms of waste and residue reception facilities” is added after the existing bullet “• position of the ship in the port”. The first bullet is replaced by the words “Name, type and IMO number of ship”. In the second bullet, the word “nationality” is replaced by the words “flag State”. In the sixth bullet, the word “address” is replaced by the words “contact details”. A new bullet is added after the first one as follows: “• call sign”. A new bullet is added after the last one as follows: “• last port of call/next port of call”.

30 In the existing Standard 2.2.3, the word “a” after the words “shall accept” is replaced by the words “that the” and the word “is” is added after the words “General Declaration”.

31 In the existing Standard 2.3, the word “information” is replaced by the word “data”.

32 In the existing Recommended Practice 2.3.1, the word “data” is added after the word “following” and the words “or, if available, the HS Code^{*}” are added at the end of the bullet “• container identification”, where appropriate; marks and numbers and kind of packages; quantity and description of the goods. A new “Note” is added after the existing “Note” as follows:

Note: To facilitate the processing of information required by public authorities, all parties involved should use an appropriate description of the goods and refrain from using generic terms, such as “general cargo”, “parts”, etc.”

The first bullet in 2.3.1(a) and (b) is replaced by the words “Name and IMO number of ship”. A new bullet is added in (a) and (b), after the first one as follows: “• flag State of ship”. In the existing third bullet, the words “port arrived from” are replaced by the words “port of loading”. In the third bullet in (b), the word “destination” is replaced by the word “discharge”. A new bullet is added in (a) and (b), after the third one as follows: “• call sign”.

33 In the existing Standard 2.3.3, the word “a” after “shall accept” is replaced by the words “that the” and the word “is” is added after the words “Cargo Declaration”.

34 In the existing Recommended Practice 2.3.4.1, the word “information” is replaced by the words “data required and identified”.

35 In the existing Standard 2.4.1, the word “a” after “shall accept” is replaced by the words “that the”, and the word “is” added after the words “Stores Declaration”.

36 In the existing Standard 2.5.1, the word “a” after “shall accept” is replaced by the words “that the”, and the word “is” added after the words “Crew’s Effect Declaration”.

* Convention on the Harmonized Commodity Description and Coding System: also known as the “Harmonized System” (HS). This international convention came into force on 1 January 1988; its objective is to establish a description and coding system for use by Customs administrations when designating commodities or commodity groups for the purposes of setting Customs tariffs and collecting statistics.

37 In the existing Standard 2.6, the word “providing” is replaced by the words “required by” and the words “with information” are replaced by the words “containing data”.

38 In the existing Standard 2.6.1, the word “data” is added after the word “following” and the bullet “• arriving from port” is replaced with a bullet “• last port of call”. The first bullet is replaced by the words “Name and IMO number of ship”. A new bullet is added after the first one as follows: “• flag State of ship”. A new bullet is added after the first one as follows: “• call sign”.

39 In the existing Standard 2.6.2, the word “a” after “shall accept” is replaced by the words “that the” and the word “is” is added after the words “Crew List”.

40 In the existing Standard 2.7, the word “providing” is replaced by the words “required by” and the words “with information” are replaced by the words “containing the data”.

41 In the existing Recommended Practice 2.7.3, the word “information” in the first sentence is replaced by the word “data”: New bullets “• type of identity document supplied by the passenger” and “• serial number of identity document” are added after the existing bullet “• place of birth”; and a new bullet “• transit passenger or not” is added after the existing bullet “• port and date of arrival of the ship”. The first bullet is replaced by the words “Name and IMO number of ship”. A new bullet is added after the first one as follows: “• flag State of ship”. A new bullet is added after the first one as follows: “• call sign”.

42 In the existing Standard 2.7.5, the word “a” after “shall accept” is replaced by the words “that the”, and the word “is” added after the words “Passenger List”.

43 In the existing Standard 2.8.1, in the third bullet the word “Nationality” is replaced by the words “Flag State”. A new bullet is added after the first one as follows: “• Call sign”.

44 The existing Standard 2.9 is amended to read as follows:

“2.9 **Standard.** Public authorities shall not require on arrival or departure of the ship any written declaration in respect of postal items other than that prescribed in the Universal Postal Convention, provided the latter is actually produced. In the absence of such a document, the postal objects (number and weight) must be shown in the Cargo Declaration.”

45 In the existing Standard 2.10, the words “providing information” are replaced by the words “containing the data”.

D. Documents on departure

46 In the existing Recommended Practice 2.12.2, the words “for the purpose” are added before the words “in that port”.

47 The existing Standard 2.12.3 is amended to read as follows:

“2.12.3 **Standard.** Where public authorities require information about the crew of a ship on its departure from the port, one of the copies of the Crew List presented on arrival at the port shall be accepted on departure, provided it is signed again by the master or an

officer duly authorized by him, and endorsed to indicate any change in the number or composition of the crew at the time of the ship's departure or to indicate that no such change has occurred during the ship's stay in the port."

F. Completion of documents

48 In the existing Recommended Practice 2.15, the word "information" is replaced by the word "data".

49 In the existing Standard 2.16, the word "information" is replaced by the word "documents" and the words "automatic data processing techniques" are replaced by the words "the use of information technology".

G. Errors in documentation and penalties therefore

50 In the existing Standard 2.19, the word "the" is added between the words "violate" and "laws" and the words "of the port State" are added at the end of the paragraph.

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

51 The words "persons rescued at sea" are added to subsection H to read as follows:

"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."

52 The words "persons rescued at sea" are added to and the words "and status" are deleted from, Standard 2.20 to read as follows:

"2.20 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 of the persons."

53 In the existing Standard 2.24, the word "information" is replaced by the word "data" and the word "that" is replaced by the word "those".

Section 5 - Arrival, stay and departure of cargo and other articles

54 In the existing Recommended Practice 5.3, the word "mail" is replaced by the words "postal items" and the words "or importation" are added between the words "sea" and "should".

55 The existing Recommended Practice 5.5 is amended to read as follows:

"5.5 Recommended Practice. When the nature of a consignment could attract the attention of different agencies authorized to carry out inspections, such as Customs and veterinary or sanitary controllers, Contracting Governments should authorize either Customs or one of the other agencies to carry out the required procedures or, where that is

not feasible, take all necessary steps to ensure that such clearance is carried out simultaneously at one place and with a minimum of delay.”

B. Clearance of cargo

56 The existing Standard 5.7 is amended to read as follows:

“5.7 **Standard.** Public authorities shall, subject to compliance with any national prohibitions or restrictions and any measures required for port security or the prevention of trafficking of narcotics, grant priority clearance to live animals, perishable goods and other consignments of an urgent nature.”

57 The following new Recommended Practice 5.7.1 is added after the existing Standard 5.7:

“5.7.1 **Recommended Practice.** In order to protect the quality of goods awaiting clearance, public authorities should, in collaboration with all the concerned parties, take all measures to permit practical, safe and reliable storage of goods at the port.”

58 The existing Recommended Practice 5.9 is deleted.

59 In the existing Recommended Practice 5.10, the words “the revised” are added to the words “Kyoto Convention”.

60 The following new Recommended Practice 5.10.1 is added after the existing Recommended Practice 5.10:

“5.10.1 **Recommended Practice.** Public authorities should consider the introduction of simplified procedures for authorized persons allowing:

- (a) release of the goods on the provision of the minimum information necessary to identify the goods, to accurately identify and assess risk as it relates to concerns such as health, safety and security, and permit the subsequent completion of the final goods declaration;
- (b) clearance of the goods at the declarants premises or another place authorized by the relevant public authority;
- (c) submission of a single goods declaration for all imports or exports in a given period where goods are imported or exported frequently by the same person.”

61 In the existing Standard 5.11, the words “by using risk assessment to target cargo for examination” are deleted at the end of the paragraph.

62 In the existing Recommended practice 5.14, the words “electronic data interchange (EDI) techniques” are replaced by the words “systems for the electronic exchange of information”.

63 The following new Recommended Practice 5.14.1 is added after the existing Recommended Practice 5.14:

“5.14.1 **Recommended Practice.** Public authorities should endeavour to quickly clear the transit procedure covering goods from another State awaiting loading.”

C. Containers and pallets

64 In the existing Standard 5.15, the word “import” is replaced by the word “admission”.

65 In the existing Standard 5.18, the word “importation” is replaced by the word “admission”.

Section 7 – Miscellaneous provisions

C. Emergency assistance

66 The existing Standard 7.8 is amended to read as follows:

“7.8 **Standard.** Public authorities shall facilitate the arrival and departure of ships engaged in:

- disaster relief work;
- the rescue of persons in distress at sea in order to provide a place of safety for such persons;
- the combating or prevention of marine pollution; or
- other emergency operations designated to enhance maritime safety, the safety of life at sea, the safety of the population or the protection of the marine environment.”

Appendix 1 - IMO FAL Forms

67 The IMO FAL Forms 1 to 7 are amended as follows:

“IMO GENERAL DECLARATION

		<input type="checkbox"/> Arrival	<input type="checkbox"/> Departure
1.1 Name and type of ship 1.2 IMO number 1.3 Call sign		2. Port of arrival/departure	3. Date - time of arrival/departure
4. Flag State of ship	5. Name of master	6. Last port of call/Next port of call	
7. Certificate of registry (Port; date; number)		8. Name and contact details of ship's agent	
9. Gross tonnage	10. Net tonnage		
11. Position of the ship in the port (berth or station)			
12. Brief particulars of voyage (previous and subsequent ports of call; underline where remaining cargo will be discharged)			
13. Brief description of the cargo			
14. Number of crew (incl. master)	15. Number of passengers	16. Remarks	
Attached documents (indicate number of copies)			
17. Cargo Declaration	18. Ship's Stores Declaration		
19. Crew List	20. Passenger List	21. The ship's requirements in terms of waste and residue reception facilities	
22. Crew's Effects Declaration*	23. Maritime Declaration of Health*		
24. Date and signature by master, authorized agent or officer			

For official use

IMO FAL
Form 1

* Only on arrival.

IMO CARGO DECLARATION

				Arrival	Departure	Page No.
1.1 Name of ship 1.2 IMO number 1.3 Call sign			2. Port where report is made			
3. Flag State of ship		4. Name of master		5. Port of loading/Port of discharge		
Convention on Facilitation of International Maritime Traffic	B/L No.*	6. Marks and Nos.	7. Number and kind of packages; description of goods, or, if available, the HS code	8. Gross weight	9. Measurement	

IMO
FAL
Form 2

10. Date and signature by master, authorized agent or officer

* Transport document No.
Also state original ports of shipment in respect to goods shipped on multimodal transport document or through bills of lading.

IMO SHIP'S STORES DECLARATION

		<input type="checkbox"/> Arrival	<input type="checkbox"/> Departure	Page No.
1.1 Name of ship 1.2 IMO number 1.3 Call sign		2. Port of arrival/departure		3. Date of arrival/departure
4. Flag State of ship		5. Last port of call/Next port of call		
6. Number of persons on board	7. Period of stay	8. Place of storage		
9. Name of article	10. Quantity	11. Official use		

Convention on Facilitation of International Maritime Traffic

IMO
 FAL
 Form 3

12. Date and signature by master, authorized agent or officer

IMO CREW'S EFFECTS DECLARATION

Page No.

Convention on Facilitation of International Maritime Traffic

IMO
 FAL
 Form 4

1.1 Name of ship 1.2 IMO number 1.3 Call sign		2. Effects ineligible for relief from customs duties and taxes or subject to prohibitions or restrictions*				
3. Flag State of ship						
4. No.	5. Family name, given names	6. Rank or rating				7. Signature

8. Date and signature by master, authorized agent or officer

* e.g. wines, spirits, cigarettes, tobacco, etc.

IMO PASSENGER LIST

<input type="checkbox"/> Arrival	<input type="checkbox"/> Departure	Page No.
----------------------------------	------------------------------------	----------

1.1 Name of ship 1.2 IMO number 1.3 Call sign		2. Port of arrival/departure		3. Date of arrival/departure			
4. Flag State of ship							
5. Family name, given names	6. Nationality	7. Date and place of birth	8. Type of identity document	9. Serial number of identity document	10. Port of embarkation	11. Port of disembarkation	12. Transit passenger or not

Convention on Facilitation of International Maritime Traffic

IMO
FAL
Form 6

10. Date and signature by master, authorized agent or officer

DANGEROUS GOODS MANIFEST

PAGE NUMBER (e.g. 5 of 7)

(As required by SOLAS 74, chapter VII, regulations 4.5 and 7-2.2, MARPOL 73/78, Annex III, regulation 4(3) and chapter 5.4, paragraph 5.4.3.1 of the IMDG Code)

NAME OF SHIP
VOYAGE REFERENCE
CALL SIGN

IMO NUMBER
PORT OF LOADING

FLAG STATE OF SHIP
PORT OF DISCHARGE

MASTER'S NAME
SHIPPING AGENT

BOOKING/ REFERENCE NUMBER	MARKS & NUMBERS CONTAINER ID. NO(s). VEHICLE REG. NO(s).	NUMBER AND KIND OF PACKAGES	PROPER SHIPPING NAME	CLASS	UN NUMBER	PACKING GROUP	SUBSIDIARY RISK(S)	FLASH - POINT (IN °C,c.c.)	MARINE POLLUTANT	MASS (kg) GROSS/NET	EmS	STOWAGE POSITION ON BOARD

AGENT'S SIGNATURE _____

MASTER'S SIGNATURE _____

PLACE AND DATE _____

PLACE AND DATE _____

IMO FAL FORM 7"

ANNEX 2

AMENDMENTS TO THE RULES OF PROCEDURE OF THE FAL COMMITTEE

- 1 The existing amended rule 9 should be replaced by the following:

“Publicity

Rule 9

The Committee may decide to hold meetings in private or public. In the absence of a decision to hold meetings in public, they shall be held in private. Meetings of subsidiary bodies of the Committee shall be held in private unless the Committee decides otherwise in any particular case.

Notwithstanding the aforesaid, and in accordance with the Guidelines for media access to meetings of the Committees and their subsidiary bodies, adopted by the Organization, media may attend meetings of the Committee and its subsidiary bodies unless the Committee decides otherwise. Meetings of working groups and drafting groups established by the Committee and its subsidiary bodies shall be held in private.”.

- 3 The following new rule 48 should be inserted after the existing rule 47:

“Invitation to experts

Rule 48

The Committee may invite any person whose expertise it may consider useful for its work. A person invited under this rule shall not have the right to vote.”,

and existing rules 48, 49, 50 and 51 should be renumbered as rules 49, 50, 51 and 52.

ANNEX 3

DRAFT ASSEMBLY RESOLUTION

Resolution A.[.....](24)

Adopted on [...] [November][December] 2005
(Agenda item [...])

**REVISION OF THE GUIDELINES FOR THE PREVENTION AND SUPPRESSION OF
THE SMUGGLING OF DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSOR
CHEMICALS ON SHIPS (RESOLUTION A.872(20))**

THE ASSEMBLY,

RECALLING that the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, which was held in London between 9 and 13 December 2002 (the 2002 SOLAS Conference), adopted, *inter alia*, the Special measures to enhance maritime security contained in chapter XI-2 of the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS chapter XI-2) and the International Ship and Port Facility Security (ISPS) Code,

RECALLING ALSO that the 2002 SOLAS Conference adopted resolution 3 on Further work by the International Maritime Organization pertaining to the enhancement of maritime security which in operative paragraph 1(h) invited the Organization 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 traffic and, if necessary, to develop appropriate amendments thereto,

RECALLING FURTHER that the 2002 SOLAS Conference adopted also resolution 8 on Enhancement of security in co-operation with the International Labour Organization (ILO) and resolution 9 on Enhancement of security in co-operation with the World Customs Organization (WCO) and that, in response, the ILO and the Organizations had developed the ILO/IMO Code of practice on security in ports and the WCO had developed the Framework of standards to secure and facilitate trade,

MINDFUL that United Nations Security Council resolutions 1373 (2001) and 1456 (2003), *inter alia*, noted with concern the close connection between international terrorism and trans-national organized crime, illicit drugs, money-laundering and illegal arms-trafficking, and emphasized the need to enhance co-ordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to these serious threats to international security,

MINDFUL ALSO of the work conducted by other United Nations agencies and international organizations, for example the United Nations International Narcotics Control Board, the United Nations Office on Drugs and Crime, the United Nations Interregional Criminal Justice Research Institute, INTERPOL and the World Customs Organization, to assist States to combat international terrorism and trans-national organized crime, illicit drugs, money-laundering and illegal arms-trafficking, through provision of guidance and capacity building activities,

NOTING, in particular, that the Facilitation Committee at its thirty-first and thirty-second sessions discussed the revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international traffic (the Guidelines) and that, during the thirty-second session of the Facilitation Committee, Colombia made specific proposals on the revision of the Guidelines which have been highly appreciated,

CONVINCED of the need to align the Guidelines with the provisions of SOLAS chapter XI-2 and of the ISPS Code and to revise the Guidelines in a manner that reflects the developments in the efforts undertaken to prevent and combat the smuggling of drugs, psychotropic substances and precursor chemicals,

RECOGNIZING that the revision of the Guidelines should be done in such a manner that the end result does not duplicate the existing provisions of the ISPS Code but augments and supplements these, in the context of preventing illicit drug trafficking and controlling the diversion of precursor chemicals, where necessary,

ALSO RECOGNIZING that a comprehensive revision of the Guidelines may entail their complete replacement and the need to eventually revoke resolution A.872(20),

HAVING CONSIDERED the recommendation made by the Facilitation Committee at its thirty-second session:

1. AGREES that there is a need to revise the Guidelines as a matter of priority and to this end requests the Facilitation Committee and the Maritime Safety Committee to work jointly and expeditiously on the revision of the Guidelines;
2. AUTHORIZES the Facilitation Committee and the Maritime Safety Committee to adopt jointly the necessary amendments to the Guidelines and to promulgate these by appropriate means;
3. DECIDES that, as from the date of joint adoption by the Facilitation Committee and the Maritime Safety Committee of the amendments to the Guidelines, resolution A.872(20) should be deemed as revoked;
4. REQUESTS the Facilitation Committee and the Maritime Safety Committee to report to the twenty-fifth regular session of the Assembly accordingly;
5. INVITES Member Governments and international organizations and non-governmental organizations with consultative status to participate actively in the revision of the Guidelines.

ANNEX 4

ROLE, MISSION, STRATEGIC DIRECTION AND WORK OF THE COMMITTEE

1 ROLE

Facilitate maritime traffic by simplifying and reducing to a minimum the formalities, documentary requirements and procedures on the arrival, stay and departure of ships engaged in international voyage.

Complement the work of other IMO bodies, ensuring that an appropriate balance is maintained between the work of those bodies and the need to facilitate international maritime traffic, bearing in mind the Organization's new theme "Safe, secure and efficient shipping on clean oceans".

2 MISSION

Promote the facilitation of maritime traffic and develop appropriate measures to expedite international maritime traffic and to prevent unnecessary delays to ships, cargoes and to persons and property on board.

3 STRATEGIC DIRECTION AND WORK

Strategy 1 Promote wider acceptance of the FAL Convention and adoption of measures contained therein, to assist the Committee's effort and work towards the universal implementation of measures to facilitate international maritime traffic.

- 1 Develop an explanatory manual to achieve better understanding of the FAL Convention Standards and Recommended Practices and promulgate the transfer of best practices between countries which are parties to the Convention.
- 2 Review the FAL Convention in order to bring the terminology and definitions used in its various provisions and Forms in line with other IMO instruments and industry standards.
- 3 Review on a continuous basis the FAL Convention Standards and Recommended Practices to determine those that are outdated or could be amended to make them more universally acceptable .
- 4 Identify and seek to address possible impediments to efficient shipping, including removal of unjustified discriminatory action and unnecessary restrictions.
- 5 Identify possible technical assistance measures to facilitate international maritime traffic in developing countries.
- 6 Develop appropriate FAL measures and procedures for the treatment of persons rescued at sea and stowaways.

Strategy 2 Ensure that an appropriate balance is maintained between measures to enhance maritime security and measures to facilitate international maritime traffic.

- 1 Review the FAL Convention to ensure that the provisions dealing with the clearance of ships, crews, passengers, cargo and baggage are compatible with the provisions in chapter XI-2 and the ISPS Code.
- 2 Advance the facilitation aspects involved in the development and implementation of new maritime security measures. The areas to be covered shall include, in the first instance:
 - .1 a standard format for pre-arrival security information;
 - .2 access procedures at the ship/port interface for public officers and service providers visiting a vessel;
 - .3 security procedures on port servicing craft;
 - .4 procedures to facilitate the seafarers access in and out of a port facility during shore leave;
 - .5 the documentation required by passengers, particularly transit cruise passengers, to ensure their smooth flow through the port;
 - .6 procedures for cargo and baggage clearance through a port facility; and
 - .7 measures for the resolution of problems resulting between port facilities and vessels.

Strategy 3 Encourage the use of information and communication technology to drive continuous improvement and innovation in the facilitation of maritime traffic.

- 1 Identify relevant information and communication technology solutions and standards which Public Authorities could use to facilitate procedures for visiting ships, their cargo, crews and passengers.
- 2 Develop EDI formats and E-business solutions as reflected in the IMO Compendium on Facilitation and Electronic business.
- 3 Identify available technologies and develop, with industry, practical ways to demonstrate and make available, where required, operational models to Public Authorities and other stakeholders.
- 4 Promote wider use of the single window concept for pre-arrival information, to allow all the information required by Public Authorities to be provided by a visiting ship to a port through one point of entry but which is secure and reliable.
- 5 Consider the most appropriate way to facilitate the process of clearing the ship, its cargo, passengers and crew, by using information technology solutions (e.g. electronic signature).

- 6 Identify possible technical assistance measures to expand information technology and E-business in the area of maritime traffic, particularly in developing countries.

Strategy 4 Enhance co-operation and co-ordination with other international organizations and stake-holders on matters related to the facilitation of maritime traffic.

- 1 Establish regular consultation with relevant UN bodies and stake-holders paying particular attention to:
 - .1 UN General Assembly: Prevention and suppression of unlawful acts at sea or in port with the viewpoint of facilitation aspect, especially on UN General Assembly Resolution 55/2 on the United Nations Millenium Declaration;
 - .2 UNECE and UNCEFACT: trade facilitation and electronic transmission of information related matters;
 - .3 WCO: clearance of ships, persons and cargoes; and security of supply chain related matters; and
 - .4 UNODC/WCO: prevention and control of illicit drug trafficking-related matters.

ANNEX 5**SUBSTANTIVE ITEMS FOR INCLUSION IN THE AGENDA FOR
THE THIRTY-THIRD SESSION**

General review and implementation of the Convention:

- .1 status of the Convention
- .2 information submitted on implementation of individual provisions of the Annex to the Convention
- .3 review of Standards and Recommended Practices and FAL Forms in the Annex to the Convention to which differences have been registered by Contracting Governments
- .4 harmonization with other international instruments
- .5 development of an explanatory manual to 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 countries in accepting and implementing electronic means for the clearance of ships
- .4 development of EDI messages for transmission of security-related information
- .5 the use of the Single Window Concept

Application of the Committee's Guidelines

Prevention and suppression of unlawful acts at sea or in port:

- .1 piracy and armed robbery
- .2 illegal migration
- .3 prevention and suppression of illicit drug trafficking

Measures to enhance maritime security: Facilitation aspects

Ship/port interface:

- .1 development of a model course on training of mooring personnel
- .2 difficulties encountered with shipment of the IMDG Code class 7 radioactive materials

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

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

Formalities connected with the arrival, stay and departure of persons:

- .1 stowaways
- .2 persons rescued at sea

Facilitation aspects of other IMO forms and certificates

- .1 list of certificates and documents required to be carried on board ships
- .2 electronic access to IMO certificates and documents

Technical co-operation sub-programme for facilitation

Institutionalization of the FAL Committee

Relations with other organizations

Work programme

Any other business
