

FACILITATION COMMITTEE  
39th session  
Agenda item 16

FAL 39/16  
2 October 2014  
Original: ENGLISH

**REPORT OF THE FACILITATION COMMITTEE  
ON ITS THIRTY-NINTH SESSION**

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## **1 GENERAL**

1.1 The Facilitation Committee held its thirty-ninth session from 22 to 26 September 2014 under the chairmanship of Mr. Y. Melenas (Russian Federation). The Vice-Chairman, Mrs. Marina Angsell (Sweden), was also present.

1.2 The session was attended by delegations from Member States and an Associate Member, representatives from United Nations specialized agencies, observers from intergovernmental organizations and observers from non-governmental organizations in consultative status as listed in document FAL 39/INF.1.

### **Secretary-General's opening address**

1.3 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>.

### **Chairman's remarks**

1.4 In responding, the Chairman thanked the Secretary-General for his words of guidance and encouragement and assured the Secretary-General that his advice and requests would be given every consideration in the deliberations of the Committee and its working groups.

### **Adoption of the agenda**

1.5 The Committee adopted the provisional agenda, set out in document FAL 39/1, as the agenda for the session and agreed to be guided by the annotated agenda (FAL 39/1/1) and the provisional timetable during the session.

### **Credentials**

1.6 The Committee was informed that the credentials of delegations attending the session were in due and proper form.

## **2 DECISIONS OF OTHER IMO BODIES**

2.1 The Committee noted the information provided in documents FAL 39/2, FAL 39/2/1 and FAL 39/2/2 (Secretariat) in relation to the outcomes of the work of A 28, LEG 100, MEPC 65, MSC 92, TC 63, C 110, DSC 18, C/ES.27, MEPC 66, LEG 101, MSC 93, TC 64, C 112 and III 1 on matters of relevance to the work of the Committee, and decided to consider the various issues that warranted action by the Committee under the relevant agenda items.

2.2 The Committee noted information provided verbally by the Secretariat on the outcome of CCC 1, under agenda item 4.

## **3 CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE CONVENTION**

3.1 The Committee noted that no amendments to the annex to the Convention had been proposed for consideration or formal adoption at the current session; however, a number of related issues were to be addressed under agenda item 4, in particular consideration of the report of the Correspondence Group on the Comprehensive Review of the Annex to the Convention.

#### **4 GENERAL REVIEW OF THE CONVENTION, INCLUDING HARMONIZATION WITH OTHER INTERNATIONAL INSTRUMENTS**

##### **Resolution A.1089(28) on Implementation of the Facilitation Convention**

4.1 The Committee noted that in order to raise the profile of the importance of the work towards the comprehensive revision of the Facilitation Convention, to further stimulate progress, and consistent with the World Maritime Day theme for 2014, "IMO conventions: Effective implementation", the Secretary-General had invited A 28 to consider the draft resolution contained in the annex to document A 28/14/1.

4.2 The Committee noted that A 28 had adopted resolution A.1089(28) on *Implementation of the Facilitation Convention*, which, inter alia,

- .1 invited all Member States to place a high priority on working towards the full and effective implementation of the FAL Convention;
- .2 urged all non-Contracting Governments to resolve any practical difficulties in respect of ratification or approval of, or accession to, the FAL Convention;
- .3 further urged all Contracting Governments to review their current national legislation, national maritime transport facilitation programmes, coordination mechanisms and procedures for the application of controls on arrival, during their stay and on departure to ships, their crew, passengers, baggage and cargo to ensure that they were fit for purpose;
- .4 requested all Contracting Governments to review the status of any differences notified to the Secretary-General pursuant to article VIII of the FAL Convention and to advise the Secretary-General of any changes; and
- .5 encouraged all Member States and international organizations to participate actively in the comprehensive review of the annex to the FAL Convention and to take measures to ensure the contribution of relevant public authorities, in order to ensure that the annex to the Convention was updated and enhanced.

##### **Procedure for adoption of the general review of the annex to the Convention**

4.3 The Committee recalled that FAL 38 had considered a number of options for the adoption of amendments to the annex to the FAL Convention and had presented two options to C 110 for approval.

4.4 C 110 had not accepted, at that time, that the compelling need for additional sessions of the Committee had been established and thus had not approved either option: the convening of an intersessional working group in early 2014, or a second session of the FAL Committee in the second part of 2015.

4.5 Consequently, the Committee recognized that the amendments should be adopted by FAL 40, and Member States and international organizations were encouraged to have conclusive discussions at the current session of the Committee, to enable FAL 40 to adopt the amendments.

## General review of the FAL Convention

4.6 The Committee recalled that FAL 35 had agreed to initiate a comprehensive revision of the Convention with a view to ensuring that it adequately addressed the present and emerging needs of the shipping industry as well as to modernize its provisions, taking into account, for example, developments in the field of the transmission of information and data by electronic means and the single window concept.

4.7 The Committee recalled further that FAL 36, FAL 37 and FAL 38 had worked on the review of the Convention, and an intersessional correspondence group had been working since FAL 36.

4.8 The Committee recalled that FAL 38 had agreed that more work was needed to complete the comprehensive review of the annex to the Convention and re-established the Correspondence Group on the Comprehensive Review of the Annex to the Convention under the coordination of France.

## Shore leave

4.9 The Committee recalled that FAL 38 had endorsed the draft amendments to Standard 3.44 requiring shore leave for crews to be granted in a manner that prevented discrimination and also endorsed the related provision of draft Standard 3.44*bis* requiring public authorities to provide the seafarer and the master with reasons for shore leave denial, in writing if so requested.

4.10 The Committee recalled that LEG 100 had considered document LEG 100/5 (Islamic Republic of Iran), containing information on the action taken with regard to shore leave, by both the Legal and Facilitation Committees. In view of the decision taken at FAL 38 to proceed with the amendments to Standard 3.44 and in view of the fact that it had not been procedurally appropriate to consider the proposal contained in document LEG 100/5 under that item of the Legal Committee's agenda, LEG 100 decided that this issue should not be dealt with further by the Legal Committee. The Islamic Republic of Iran and other interested Member Governments were invited to consider submitting the issue, including the draft resolution, to an appropriate IMO organ, possibly to the forthcoming Assembly.

4.11 The Committee noted that the Islamic Republic of Iran had presented the proposed resolution to A 28 (A 28/14/2). The Committee noted that A 28 had adopted resolution A.1090(28) on *Fair treatment of crew members in respect of shore leave and access to shore-side facilities*, after further refinement to align the proposal with Standards 3.44 and 3.44*bis* already agreed by FAL 38.

4.12 The Committee noted that MSC 93 had considered document MSC 93/4/1 (IFSMA), which proposed amendments to document MSC 93/4 (Canada et al.) on *Guidelines for the development of national maritime security legislation*. The Committee further noted that MSC 93 had supported in principle the proposal to ensure that seafarers were granted shore leave and were able to receive visitors and representatives from seafarers' welfare organizations through linkage to the FAL Convention in the guidelines. The Committee noted that MSC 93 had agreed that the wording needed to be aligned with the wording of resolution A.1090(28) on *Fair treatment of crew members in respect of shore leave and access to shore-side facilities*. To progress the work intersessionally, MSC 93 had established the Correspondence Group on Maritime Security, under the coordination of the United States, and instructed it to review and finalize the draft *Guidelines on development of national maritime security legislation*, taking into account comments and proposals made at MSC 93, and to report subsequently to MSC 94.

**Consideration of the report of the Correspondence Group on the General Revision of the FAL Convention**

4.13 The Committee noted with appreciation the report of the Correspondence Group (document FAL 39/4) and the considerable work done on the review of the Convention, in particular by its coordinator, Mr. Fabien Joret. The report analysed new proposals and some pending issues were clarified. The Committee noted the more contested issues that had been discussed, and the position of the correspondence group on them, as follows:

- .1 on the date of implementation after the entry into force of the amendment making the use of electronic transmissions mandatory (Standard 1.3*bis*), a clear majority had considered that an early implementation date was desirable and supported a delay of three years after the date of adoption; nevertheless, others had expressed the view that further cost-benefit analyses were needed before any decision could be taken;
- .2 in respect of the transitional period from the moment that electronic transmission of information was introduced to the moment that it became mandatory for the operators, during which both paper and electronic formats could be used (Standard 1.3*ter*), the majority of the group had agreed to set the period at 12 months;
- .3 regarding the insertion of the "visa number if appropriate", in the passenger list, the majority of the group had supported its inclusion, but a substantial minority considered that it would represent a new administrative burden and involve cost to adapt transmission systems; and
- .4 some decisions already taken so far by the Committee (the "grey text") had been reopened during the discussion in the correspondence group, but none had been forwarded to the Committee because there had not been significant support to amend the decisions already taken by the Committee; however, it was expected that some of those issues would be raised again before the Committee (for example, definition of cargo transport unit (CTU); inclusion of the data "visa number if appropriate" in the crew list; possible deletion of the new Standard 3.44*bis*; and revision of Recommended Practice 5.3*bis* on the data necessary for the identification of cargo that was to be placed in storage prior to release or re-export or importation).

4.14 The Committee agreed that measures for the establishment of systems for the electronic exchange of information as set out in Standard 1.3*bis* should be established three years after adoption of the amendments to the Convention.

4.15 The Committee agreed to set the transition period at 12 months after the introduction of systems for the electronic transmission of information, before the submission of electronic information became mandatory under Standard 1.3*ter*.

4.16 Regarding the insertion of the "visa number if appropriate" in the passenger list, the majority of the Committee supported its inclusion, but a substantial minority considered that it would represent a new administrative burden and involve cost to adapt transmission systems. The Working Group on General Review and Implementation of the Convention was instructed not to reopen the issue.

4.17 Following discussions on the use of the term "container" or CTU, the Committee agreed to send the issue to the working group, for its consideration and advice to the Committee accordingly.

4.18 The Committee noted the statement made by the Islamic Republic of Iran on the issue of fair treatment of seafarers in terms of shore leave and access to shore-side facilities in relation to the report of the correspondence group and the new Standard 3.44*bis*; the full text of the statement is set out in annex 6. The Committee agreed not to amend the Standards 3.44 and 3.44*bis* already agreed by FAL 38 and directed the working group not to reopen the discussion.

4.19 The Committee, recognizing the need to complete the revision to the annex to the FAL Convention for its approval at the present session, agreed to instruct the working group not to reopen those measures that had already been approved by the Committee in the previous sessions.

### ***Amendments to FAL Form 7***

4.20 The Committee recalled that FAL 38 had agreed to refer document FAL 38/4/1 (IVODGA) to DSC 18, given that Sub-Committee's technical expertise on dangerous goods, and to take into account its advice at FAL 39. The Committee further recalled that FAL 38 had agreed to substitute the reference on FAL Form 7 to MARPOL, Annex III, regulation 4.3, by a reference to MARPOL, Annex III, regulation 4.2, in accordance with resolution MEPC.193(61).

4.21 The Committee noted that DSC 18 had noted several comments regarding the chemical names of marine pollutants and consignor/consignee and referred the documents to the twentieth session of the Editorial and Technical Group (E&T 20) for further consideration.

4.22 The Committee noted that E&T 20 had considered document DSC 18/7/2 (Secretariat), containing the outcome of FAL 38 and STW 44, together with document FAL 38/4/1. E&T 20 had reviewed the proposed amendments to IMO FAL Form 7 and noted that the new sequence was aligned with the information in the dangerous goods declaration. Regarding the information for the individual columns in the proposed revised FAL Form 7, the group had concurred that column 9 should contain the proper shipping name including a required recognized technical name and the recognized technical name of the marine pollutant, if applicable. The group had expressed the view that the information regarding consignor and consignee should be deleted. Questions had also been raised with regard to the need to include the name and the signature of the master in FAL Form 7. In addition, there was a need to ensure that all information required in paragraphs 5.4.1.4 and 5.4.1.5 of the IMDG Code was included in the new FAL Form 7. In discussing that matter, the group had further noted that a review of paragraph 5.4.3 of the IMDG Code might be necessary. Therefore, the group had agreed to invite interested Member States and international organizations to submit related proposals to CCC 1.

4.23 The Committee noted that CCC 1 had noted the opinion of E&T 20 that a review of section 5.4.3 of the IMDG Code might be necessary and had considered document CCC 1/6/7 (IVODGA), proposing amendments to FAL Form 7, generally known as the Dangerous Cargo Manifest (DCM), and stating that the DCM effectively served as the transport document for vessels since the actual Dangerous Goods Declaration or other shipping paper(s) were not mandatory on board ships in all port State jurisdictions. The Committee further noted that CCC 1 had agreed that the proposed amendments required detailed consideration for FAL Form 7 to be fully aligned with the IMDG Code and decided to refer document CCC 1/6/7 to E&T 23 for further consideration.

4.24 The Committee noted that the Correspondence Group on the Comprehensive Review of the Annex to the Convention had accepted a new proposal presented by Japan on FAL Form 7, as set out in document FAL 39/4, annex 2, with the understanding that it would

be referred for approval to the CCC Sub-Committee and/or its E&T Group. The Committee noted that that new proposal had not been considered by CCC 1, because it had not been requested by FAL 38.

4.25 Because of the level of technical expertise required, the Committee agreed to request MSC 94 to instruct E&T 23, in April 2015, to consider the proposal made by Japan in document FAL 39/4, annex 2, to enable CCC 2 to advise FAL 40 on the information required in the Dangerous Goods Manifest and listed on Standard 2.8.1 and on FAL Form 7.

#### **Proposed circular on the creation of a tool to measure domestic implementation of the FAL Convention**

4.26 The Committee considered documents FAL 39/4/1, FAL 39/10/2 and FAL 39/INF.3 (Chile), providing information on the experience of Chile on the occasion of its First National Seminar on the International Convention for the Facilitation of Maritime Transport and its Implementation, organized in October 2013. On the basis of the positive experience of that technical cooperation activity, Chile was proposing the development of a FAL circular for the self-assessment of national implementation of the FAL Convention.

4.27 The Committee noted the general support for the proposal to develop voluntary guidelines for Contracting Governments, but some delegations expressed the opinion that it would be premature to consider the proposal taking into account the current process of revision of the annex to the FAL Convention. Other concerns were also expressed on the opportunity to consider the proposal because there was no planned output to discuss the subject in the work programme of the Committee. However, other delegations were of the opinion that the consideration of the proposal was possible because it was under the scope of high-level action 8.0.1: "promote wider acceptance of the FAL Convention and adoption of measures contained therein, to assist the FAL Committee's effort and work towards the universal implementation of measures to facilitate international maritime traffic". The delegation of Chile advised the Committee that it would consider submitting a proposal for an unplanned output, and in the meantime the Committee invited Contracting Governments to consider using the self-assessment methodology provided by Chile and to present their experiences to FAL 40, at which a working group might further consider the subject. The delegation of Chile further informed that the relevant information on the experience of Chile was available at <http://www.directemar.cl>.

#### **Outcome of the seminar on stowaways held in Abidjan, March 2014**

4.28 The Committee recalled that FAL 38 had noted that the number of recorded stowaway incidents had not decreased to any significant degree over the previous few years. According to the International Group of P&I Clubs, the global top 10 ports of embarkation of stowaways were all located in Africa, and the total cost to the P&I Clubs for all stowaway cases during the 2011-2012 period had been approximately \$15.3 million, including fines imposed by States on shipowners.

4.29 The Committee recalled that FAL 38 had noted the intention of the Secretariat to promote technical cooperation action to reduce the number of stowaways through adequate security measures within the ports of the countries most affected by stowaway incidents.

4.30 The Committee noted the information provided in document FAL 39/6 (Secretariat) on the Regional Seminar on Stowaways in West and Central Africa, hosted by the Ministry of Transport of Côte d'Ivoire on the premises of the Port of Abidjan from 25 to 27 March 2014 and organized in close cooperation with the Port Management Association of West and Central Africa (PMAWCA).



4.31 The seminar had been attended by 68 participants, including port facility security officers (PFSO), immigration officials and harbour masters of the top 12 ports of embarkation of stowaways in the region. Other interested member ports had also participated in the seminar. Representatives of the following international organizations had also been present at the seminar: the International Organization for Migration (IOM), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), the World Customs Organization (WCO), INTERPOL, BIMCO, ICS, the International Group of P&I Clubs and the United States Coast Guard.

4.32 The objectives of the regional seminar had been to identify the root causes behind stowaways; to identify weaknesses in port security regimes in the region that contributed to the high number of stowaway incidents; and to determine what main obstacles existed in the effective implementation of IMO instruments addressing the prevention and successful resolution of stowaway incidents. It had further been intended to identify best practices to be considered and to be implemented by Governments, ports and ships in relation thereto.

4.33 Given that stowaway incidents usually occurred where there was a lack of effective implementation of SOLAS chapter XI-2 and the ISPS Code, the seminar had also intended to highlight the key requirements of IMO maritime security measures, in particular the provisions relating to control of access to ships and in port facilities, and the need to conduct port facility security assessments (PFSA) and devise effective port facility security plans (PFSP).

4.34 The participants agreed on a draft text of a seminar resolution to be submitted to the FAL Committee at its next session (document FAL 39/6, annex) that reflected the issues currently not addressed or not sufficiently addressed in any of the IMO instruments related to stowaways.

4.35 The Committee also considered document FAL 39/6/1 (Côte d'Ivoire, Ghana and Nigeria), providing supplementary information on the outcome of the regional seminar on stowaways in West and Central Africa, as elaborated by PMAWCA. The document included a detailed list of agreed proposals to be taken by port and maritime authorities to promote port security effectiveness.

4.36 PMAWCA informed the Committee that the conclusions of the seminar held in Abidjan had been distributed to ports of the region, and the status of implementation of these recommendations would be under revision in future meetings of that Association.

4.37 The Committee recognized the value of the information provided, but agreed that at the current stage it would be premature to introduce the discussion of the conclusions of the seminar in Abidjan under the current process of general review of the annex to the FAL Convention.

4.38 A similar seminar for East and South Africa was planned for 21 to 23 October 2014 in Durban, South Africa, for participants from ports with reportedly the highest number of embarkations of stowaways in those regions.

### **Establishment of the Working Group on General Review and Implementation of the Convention**

4.39 The Committee established the Working Group on General Review and Implementation of the Convention under the chairmanship of the Committee's Vice-Chairman, Mrs. Marina Angsell (Sweden), and instructed it, taking into account document FAL 39/4 and the relevant discussions and decisions taken in plenary, to complete the revision of the annex to the FAL Convention, with a view to adoption by FAL 40.

*Consideration of the report of the working group*

4.40 Having considered the report of the working group (FAL 39/WP.5) under the current agenda item, the Committee noted the group's discussion on the outstanding issues related to the draft amendments to the annex of the Convention.

4.41 The Committee agreed to the proposal of the working group to keep Standard 2.8.1 and FAL Form 7 within square brackets pending advice from CCC 2, for further consideration at FAL 40.

4.42 The Committee endorsed the changes made to FAL Forms 1, 4, 5 and 6.

4.43 The Committee approved the amendments to the annex to the FAL Convention, as set out in annex 1, for circulation in accordance with article VII(2)(a) of the Convention with a view to adoption at FAL 40, and instructed the Secretariat accordingly.

## **5 E-BUSINESS POSSIBILITIES FOR THE FACILITATION OF MARITIME TRAFFIC**

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

5.1 The Committee recalled that FAL 36 had considered that future revisions of the list of certificates and documents required to be carried on board ships might well be more effectively initiated by the Maritime Safety Committee and, in particular, from one of its Sub-Committees such as FSI. MSC 88 and MEPC 63 had agreed with the suggestion of FAL 36 that such revisions should be initiated by the MSC on a regular basis.

5.2 The Committee recalled that FAL 38 had approved the revised list of certificates and documents required to be carried on board ships as FAL.2/Circ.127, subject to concurrent decision of MSC 92 and MEPC 65. Those Committees had concurred with the FAL 38 decision, and the list had been issued as FAL.2/Circ.127-MEPC.1/Circ.817-MS.1/Circ.1462.

### **Report of the Correspondence Group on Electronic Means for the Clearance of Ships**

5.3 The Committee recalled that FAL 38 had noted the background information summarizing the work done since FAL 32 on "Online access to certificates and documents required to be carried on board ships".

5.4 The Committee recalled that MEPC 63, in considering the request for views on making available electronic copies of documents and certificates held on board ships for facilitation purposes, had noted that no objections or concerns had been raised, and had agreed with the development of the system.

5.5 The Committee recalled that MSC 91 had concurred with the decision of MEPC 64 to endorse the FSI 20 decision to further clarify the meaning of "originals" to be carried on board ships taking into account the ongoing work of the FAL Committee on electronic access to certificates and documents, and any related work being undertaken within the Organization.

5.6 The Committee recalled that FAL 38 had considered the outcome of FSI 21 regarding the meaning of "originals" to be carried on board ships, taking into account the ongoing work of the FAL Committee on electronic access to certificates and documents, and any related work being undertaken within the Organization. FSI 21 had invited FAL 38 to consider, subject to endorsement by MEPC 65 and MSC 92, the Sub-Committee's opinion that certificates carried on board must be valid and drawn up in the form corresponding to the

model where required by the relevant international convention and that a certificate could also be considered as "original" or "authentic" while containing an "authorized" electronically applied signature or stamp. MEPC 65 and MSC 92 had concurred with the FSI 21 recommendation.

5.7 The Committee recalled that FAL 38 had noted that some small ports might not have the infrastructure necessary to receive and process EDIFACT messages, and the standard developed by ISO (ISO 28005) might be an alternative.

5.8 The Committee recalled that FAL 38 had invited submissions on how to put in place the system of online access to certificates and documents or a ship-based system, with a view to FAL 40 developing guidelines for online access and incorporating electronic certificates through the single window concept.

5.9 The Committee recalled that FAL 38 had noted the opinion of the Working Group on Electronic Means for the Clearance of Ships that the purpose of the guidelines for use of printed versions of electronic certificates was limited to providing information to Administrations using electronic certificates, and that the guidelines were only the first step in the transition to a paperless system and greater reliance on web-based electronic access to certificates.

5.10 The Committee recalled that FAL 38 had further noted the opinion of the working group that the ultimate objectives of the recommended standards were that printed versions of electronic certificates should be valid and drawn up in the form corresponding to the model where required by the relevant international convention or instrument, and that further work on developing electronic access to certificates or electronic versions of certificates was needed.

5.11 The Committee recalled that FAL 38 had approved FAL.5/Circ.39 on *Interim guidelines for use of printed versions of electronic certificates*, as inputs from other Committees were expected.

5.12 The Committee recalled that FAL 38 had agreed to re-establish the Correspondence Group on Electronic Access to Certificates and Documents under the coordination of the United States.

5.13 The Committee noted that MEPC 65 had considered document MEPC 65/7/1 (Australia and the Marshall Islands), proposing the use of an electronic system to record Garbage Record Book (GRB) entries as an alternative to the current document version required under MARPOL Annex. In welcoming the proposal, the delegations who spoke all supported the need to consider reducing the administrative burden of the crew on board, flag and port authorities and other maritime stakeholders by using electronic record-keeping. However, delegations were of the view that it would be premature to approve the proposed unified interpretation of MARPOL Annex V at the current stage as more work was needed. MEPC 65 had agreed to establish a correspondence group on the use of electronic record books under MARPOL under the coordination of Australia, and invited the FAL Committee to keep it updated on its work on electronic access to certificates and documents, as well as ship/port interface.

5.14 The Committee recalled that FAL 38 had requested MSC 92 to consider FAL.5/Circ.39 on *Interim guidelines for use of printed versions of electronic certificates* and to advise FAL 39 of any additions or amendments required, and that FAL 38 had established the Correspondence Group on Electronic Access to Certificates and Documents and tasked it, inter alia, with collecting lessons learned through the implementation of the above-mentioned interim guidelines. In that regard, MSC 92 had instructed III 1 to consider FAL.5/Circ.39 in detail at its next session and to report to the Committee, as appropriate.

5.15 The Committee noted that MEPC 66 had received general support for the outcome of the Correspondence Group on the Use of Electronic Record Books Under MARPOL; however, a number of delegations highlighted that the use of electronic record books should be considered optional. MEPC 66 had also noted concerns on the certification and verification of electronic record books, and that the electronic record book should achieve the same level of integrity as a hard copy required under MARPOL, in particular concerning the requirement that each completed page of the record book must be signed by the master of the ship.

5.16 The Committee noted that MEPC 66 had acknowledged the merits of electronic record-keeping in general, but realizing that further work on the matter was necessary, the Committee had re-established the Correspondence Group on the Use of Electronic Record Books Under MARPOL, under coordination of Australia.

5.17 The Committee noted that MEPC 66 had noted the decision by MSC 92 to instruct III 1 to consider FAL.5/Circ.39 in detail at its next session and to report to the Committee, as appropriate. MEPC 66 had agreed to defer consideration of the matter to MEPC 67, by which time the outcome of the work being undertaken by III 1, as well as the outcome of FAL 39, would be available and could be taken into account.

5.18 The Committee noted the outcome of III 1 regarding the use of printed versions of electronic certificates and their acceptance by port State control authorities:

- .1 III 1 had noted the views expressed that the potential difficulties to fully implement and accept such certificates as requested in the interim guidelines might be due to some national legislation which still required original paper certificates, both as a requirement of the flag State and for acceptance of certificates by authorities of the State;
- .2 the Sub-Committee had noted that many PSC regimes recommended PSC officers (PSCOs) to accept printed versions of electronic certificates; if had also agreed to reiterate its encouragement to PSC regimes to fully implement the guidelines contained in FAL.5/Circ.39 without applying additional conditions;
- .3 while remaining aware of challenges pertaining to the validation of printed versions of electronic certificates, and difficulties that might be encountered in their acceptance for reasons of current national legislation, III 1 had encouraged port States and PSC regimes to work towards acceptance of printed versions of electronic certificates as recommended in FAL.5/Circ.39;
- .4 III 1 had invited interested delegations to take an active part in the discussions at FAL 39 when considering document FAL 39/5 containing the report of the above-mentioned correspondence group, subject to the concurrence of MEPC 67 and MSC 94, as appropriate.

5.19 The Committee noted that NCSR 1 had finalized the draft e-navigation Strategy Implementation Plan (SIP), which had been sent for MSC 94 approval, and that some of the tasks contained in the SIP might in future have synergies with or implications for the work of the FAL Committee. However, the Committee recognized that it would be premature to consider the issue taking into account that MSC had not yet approved the SIP and that it had not had a request from MSC to do so.

*Consideration of the report of the correspondence group*

5.20 The Committee noted with appreciation the report of the correspondence group on electronic access to, or electronic versions of, certificates and documents required to be carried on ships (FAL 39/5), in particular by its coordinator, Mr. Roger K. Butturini (United States).

5.21 In considering the report of the correspondence group, the Committee agreed on the inclusion of the electronic certificates in the scope of the reviewed FAL.5/Circ.39, and forwarded the report for further consideration by the Working Group on Electronic Means for the Clearance of Ships. Particular reference was made to paragraphs 6.2 and 6.3 of the report, which referred to the issue of whether the use of electronic certificates viewed on device screens was equivalent to traditional paper certificates and printed versions of electronic certificates, and to making recommendations to MSC and MEPC about whether electronic certificates viewed from a website met the requirements to be "on board".

5.22 In considering documents FAL 39/5/2 (ISO) and FAL 39/INF.2 (ISO), the Committee noted the technological solutions available to implement electronic certificates for ships, which showed that the required technology was readily available, and therefore that electronic certificates were a viable possibility. The Committee decided that further consideration was needed on the possible development of technical standards for the harmonized application of the technology solutions necessary to implement electronic certificates for ships.

5.23 The Committee noted document FAL 39/INF.4 (Republic of Korea), providing additional information to the concept of a "Radio Frequency Identification (RFID) based Ubiquitous Port (U-Port)", which the Republic of Korea had already introduced in FAL 38 (FAL 38/5/1). The Republic of Korea expressed its intention to provide further information at the next session of the Committee.

5.24 In considering document FAL 39/INF.5 (Republic of Korea), the Committee noted the additional information provided by the Republic of Korea to FAL 38 (FAL 38/INF.2) in respect of the research for enhancing maritime logistics efficiency utilizing the technology of the digital VHF radio system. The document explained the communications system developed by the Republic of Korea for efficient electronic access of maritime logistics information in the littoral sea. The Republic of Korea requested FAL 39 to forward the document to NCSR 2, and expressed also its intention to provide further information at the next session of the Committee. Taking into account that the proposal presented to FAL 39 was an information document, the Committee invited the Republic of Korea to present a document to NCSR 2 under the appropriate planned output for its consideration.

**Maintenance of the IMO Compendium on facilitation and electronic business**

5.25 In considering document FAL 39/5/1 (Secretariat), the Committee recalled that FAL 37 had agreed that the Secretariat should seek to be included on the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) Customs Domain Group (TBG4) distribution list. The Secretariat had been requested to advise Contracting Governments of the outcomes of actions affecting the recommended electronic data interchange (EDI) messages on security-related information in the security-related information declaration by means of appropriate intersessional documents or reports. FAL 37 had noted that that new mission should not have major budgetary implications, and should be accomplished within the resources of the Secretariat. As the technical maintenance of the compendium required specific IT skills and expertise on EDI and the standard codes of the directories of the United Nations Electronic Data Interchange for Administration, Commerce

and Transport (UN/EDIFACT) that were available outside the Organization, the Secretariat had sought possible mechanisms of cooperation in this regard.

5.26 The Committee noted that the Secretariat had discussed with the secretariat of the WCO the possibility of WCO technical bodies maintaining the compendium from a technical viewpoint. Building on the already good cooperation between the two organizations, WCO had agreed that the technical maintenance of the compendium would be carried out by its Data Model Project Team (DMPT) and the Information Management Sub-Committee (IMSC).

5.27 Under the proposed mechanism of cooperation, the WCO would work purely on the technical maintenance of the standard codes of the FAL forms and the FAL Committee would remain the competent body for policy making, such as the development of new FAL forms or amendments to existing ones. According to that procedure, any technical improvements developed by IMSC would be passed to the FAL Committee for its endorsement, dissemination by FAL circular and approval for inclusion in revised editions of the compendium. The revised compendium would subsequently be distributed as a joint IMO-WCO publication

5.28 The Committee, recognizing that the participation in DMPT was open to all interested parties, agreed to the proposal, and therefore the future technical maintenance of the compendium would be made by WCO, with the FAL Committee remaining the competent body for policy-making, under the terms of the above-mentioned mechanism of cooperation between the two organizations.

5.29 The Committee further considered whether to include the WCO Data Model references relating to FAL forms in the compendium, and agreed to their inclusion.

### **Establishment of the working group**

5.30 The Committee re-established the Working Group on Electronic Means for the Clearance of Ships, under the chairmanship of Mr. Roger Butturini (United States), and instructed it, taking into account documents FAL 39/5, FAL 39/5/2, FAL 39/INF.2 and III 1/WP.4/Add.1, and the relevant discussions and decisions in plenary, to:

- .1 consider paragraphs 6.2 and 6.3 of document FAL 39/5 and advise the Committee accordingly;
- .2 review and refine, as necessary, the guidelines for use of electronic certificates;
- .3 consider documents FAL 39/5/2 and FAL 39/INF.2, and advise on the development of technical standards for the harmonized application of technology solutions to implement electronic certificates for ships;
- .4 advise on the possibility of developing a GISIS module for recording use and acceptance of electronic certificates; and
- .5 consider whether it was necessary to re-establish the Correspondence Group on Electronic Access to Certificates and Documents; if so, advise the Committee as appropriate and prepare draft terms of reference.

### *Consideration of the report of the working group*

5.31 Having received the report of the working group (FAL 39/WP.6), the Committee approved it in general, discussed the recommendations of the group and took action as indicated in the following paragraphs.

### **Use of electronic certificates**

5.32 The Committee agreed that electronic certificates should be used as equivalent to traditional paper certificates, provided that the certificates and the website used to access them conformed to the guidelines approved by the Organization and that specific verification instructions were available on board the ship.

5.33 The Committee also agreed that electronic certificates viewed on a computer should be considered as meeting the requirements to be "on board" and, in that respect, invited MSC and MEPC to consider amending FAL.2/Circ.127-MEPC.1/Circ.817-MS.1/Circ.1462 on List of certificates and documents required to be carried on board ships, 2013 to reflect that understanding.

5.34 The Committee instructed the Secretariat to modify the module "Survey and certification" of GISIS to add references to Administrations issuing electronic certificates, including the list of certificates issued electronically by each Administration and any additional information, as considered necessary by the Administration, and to make that information accessible to the general public.

5.35 The Committee urged Administrations issuing electronic certificates to communicate the necessary information to the Organization through the "Survey and certification" module of GISIS, once changes to the module had been implemented.

### **Guidelines for the use of electronic certificates**

5.36 The Committee approved FAL.5/Circ.39/Rev.1 on *Guidelines for the use of electronic certificates* and invited MSC and MEPC to note the contents of the circular and take any necessary action, as appropriate.

5.37 The Committee considered whether the guidelines should be converted into an Assembly resolution or included in the FAL compendium, but agreed that it would be premature to decide at the current stage and, on the basis of the experiences of the application of the guidelines, FAL 40 would revisit that proposal.

### **Re-establishment of the Correspondence Group on Electronic Access to Certificates and Documents**

5.38 Having noted the discussions of the group related to the development of technical standards for the harmonized application of technology solutions to implement electronic certificates for ships, the Committee agreed to re-establish the Correspondence Group on Electronic Access to Certificates and Documents, under the coordination of United States\*, and instructed it to:

- .1 continue to gather experience of the implementation and use of electronic certificates and propose revisions to the guidelines, as needed;
- .2 develop a model framework for implementing electronic certificates;

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Mr. Roger Butturini  
United States Coast Guard  
United States Department of Homeland Security  
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- .3 consider alternatives to the need for using traditional signatures, stamps and seals to issue and approve electronic certificates;
- .4 advise the Committee on possibilities for industry standards to support use of electronic certificates; and
- .5 submit a report to FAL 40.

## **6 FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF PERSONS**

### **Formalities connected with the arrival, stay and departure of persons: the Facilitation module in the IMO Global Integrated Shipping Information System (GISIS)**

6.1 The Committee recalled that FAL 38 had approved the draft Assembly resolution on *Notification and circulation through the global integrated shipping information system (GISIS)* agreed by FSI 21. That resolution promoted the use of GISIS to enhance the implementation of mandatory IMO instruments, particularly in respect of the rate of notifications, making effective use of information and communications technology, and potentially reducing the administrative burden; provided a means whereby Contracting Governments or Parties could fulfil mandatory reporting requirements; and facilitated the circulation of the related notifications by the Organization. FAL 38 had further agreed that information provided to the Organization pursuant to article VIII of the Convention could be provided by electronic means, while also retaining the right for such information to be submitted in hard copy.

6.2 The Committee recalled that MSC 92 and MEPC 65 had also approved the mentioned draft Assembly resolution, and A 28 had adopted resolution A.1074(28) on *Notification and circulation through the Global Integrated Information System (GISIS)*.

6.3 The Committee recalled that FAL 38 had noted the implementation of the new module for facilitation in GISIS, the details of which were promulgated by Circular Letter No.3281, on 28 June 2012. The new module contained the following internet-based databases:

- .1 the Facilitation Database (FALD), with the aim of facilitating reporting and global access to information on stowaways and illegal migrants rescued at sea, and promoting the exchange of data; and
- .2 the Contact Addresses for FAL Database (CAFALD), to facilitate global access to information on designated national authorities, United Nations and specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status, for facilitation purposes.

Member States and organizations in consultative status had been encouraged to use those modules to promulgate and receive the appropriate information.

6.4 The Committee recalled further that FAL 38 had approved the proposal to establish two new modules in GISIS with respect to reports on notifications to IMO pursuant to article VIII of the FAL Convention and with respect to the information on e-addresses of governmental authorities for facilitating the exchange of electronic information, also retaining the right for such information to be submitted in hard copy.

6.5 The Committee noted that the Secretariat, consistent with the decisions taken by FAL 38, had implemented two new facilities within the GISIS FAL module, having promulgated its details by Circular Letter No.3476, on 22 July 2014.



6.6 The Committee noted that "Notifications" and "e-addresses" facilities would be made available for public access through the GISIS web page on a read-only basis 24 hours a day with the possibility of searching the database and retrieving information on the available reported information from 2 February 2015. Therefore the Facilitation of International Maritime Traffic (FAL) module would allow access to the following information:

- .1 reports on stowaway incidents;
- .2 reports on unsafe practice associated with the trafficking or transport of migrants by sea;
- .3 information on the contact addresses of the offices of designated national authorities and international organizations for facilitation purposes;
- .4 information on e-addresses of governmental authorities for facilitating the exchange of electronic information; and
- .5 notifications to IMO pursuant to article VIII of the FAL Convention.

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

#### *Stowaway incidents*

6.7 The Committee noted information from the Secretariat that since FAL 38, the Secretariat had issued FAL.2/Circ.128 which set out the annual statistics for 2013.

6.8 According to those reports, 494 stowaway cases had been reported to the Organization in 2008, 314 in 2009, 253 in 2010, 73 in 2011 and 90 in 2012. In terms of numbers of stowaways, the cases reported to the Organization had involved 2,052 stowaways in 2008, 1,070 in 2009, 721 in 2010, 193 in 2011 and 166 in 2012.

6.9 Reports on stowaway incidents had been received by the Organization from nine Member States, one Associate Member and one NGO in 2008; from eight Member States, one Associate Member and one NGO in 2009; from five Member States and one Associate Member in 2010; from five Member States and one Associate Member in 2011; and from five Member States and one Associate Member in 2012.

#### **Stowaway cases and stowaways**

Year	2008	2009	2010	2011	2012	2013
Stowaway cases	494	314	253	73	90	70
Stowaways	2,052	1,070	721	193	166	203

#### **Reporting sources**

Year	2008	2009	2010	2011	2012	2013
Member States	9	8	5	5	5	8
Associate Members	1	1	1	1	1	1
NGOs	1	1	0	0	0	0

6.10 The Committee noted that the total number of reports received by the Organization until 1 September 2014 was 4,392, which involved 13,812 stowaways.

6.11 The Committee recalled that FAL 38 had noted that the statistics published by IMO clearly underreported the scale of the problem of stowaways: according to the IMO figures, from 1 January 2011 to 1 January 2012, 70 incidents involving 189 stowaways had been reported to the Organization, whereas the number of stowaway cases collated by the P&I Clubs from 20 February 2011 to 20 February 2012 had totalled 774 incidents involving 1,640 stowaways.

6.12 The Committee recalled further that FAL 38 had noted that the scale of the stowaway problem had not decreased to any significant degree between FAL 36 and FAL 38: according to the figures provided by the P&I Clubs there had been 842 incidents from 20 February 2007 to 20 February 2008 involving 1,955 stowaways, and 774 incidents from 20 February 2011 to 20 February 2012 involving 1,640 stowaways. FAL 38 had noted also that the annual cost of the stowaway problem to the P&I Clubs was approximately \$15.3 million.

6.13 The Committee noted the fact that, despite the new facility provided in GISIS, the downward trend of notifications to IMO was more pronounced, and the number of reports was very low and therefore the statistics were not reliable (only 70 stowaway cases and 203 stowaways in 2013).

6.14 The Committee was concerned that the use of GISIS to upload stowaways information had been very low (only 21 cases had been uploaded using the GISIS module), and urged Member States to provide timely and accurate information on stowaway cases to IMO making use of the GISIS module.

### **Formalities connected with the arrival, stay and departure of persons: illegal migrants**

#### *Illegal migrant incidents*

6.15 The Committee recalled that MSC 70, in approving MSC/Circ.896 on Interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea, 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.

6.16 In the light of the reports recorded and proposals made by Governments, MSC 74 had approved amendments to the annex to MSC/Circ.896, and the report format appended to MSC/Circ.896/Rev.1 should be used for such reports.

6.17 FAL 35 had been of the view that the system of recording the reports on illegal migrants needed to be reconsidered so as to enable preparation of statistical information on a systematic basis – for example, on a year-by-year basis – thus contributing towards the establishment of reliable data for use in connection with the performance indicators to be used to monitor the performance of the Organization against its Strategic Plan, High-level Action Plan and priorities.

6.18 The Committee recognized that MSC/Circ.896/Rev.1 was under the purview of MSC and any issues needed to be considered and resolved by that Committee, forming the basis for the reporting.

6.19 The Committee considered document FAL 39/6/2 (Secretariat), providing the number of notifications of incidents of illegal migrants transported by sea that had been received by the Secretariat and promulgated via MSC.3/Circ.6 to MSC.3/Circ.22 between 2003 and 2013, as follows:

Year	2008	2009	2010	2011	2012	2013
Illegal migrants cases	55	381	86	189	86	1
Illegal migrants	1,266	8,747	2,376	14,985	978	6

6.20 The total number of incidents related to unsafe practices associated with the trafficking or transport of migrants by sea reported to the Organization for the period 1 January 1999 to 1 September 2014 was 1,925, involving 88,833 illegal migrants.

6.21 The Committee noted that Member States had been invited, by Circular Letter No.3281 of 28 June 2012, to submit reports via the facilitation module in GISIS. However, the number of notifications received in the previous two years had significantly decreased with only one incident reported in 2013.

6.22 The Committee noted that the actual numbers of illegal migrants and persons rescued at sea were significantly higher than as reported in GISIS and that the number had increased significantly in 2014 with large numbers of people needing to be rescued. The observer from ICS noted that as the frequency of such incidents increased, so did its impact on the shipping industry, and there were concerns that the situation was becoming unmanageable for all parties involved.

6.23 The Committee noted that there was a need for Governments to submit timely reports of relevant incidents to IMO. Concern was expressed at the complexity of the reporting system in GISIS, with some 59 data fields needing to be completed; however, the Committee noted that the database had been prepared on the basis of the information sought by MSC/Circ.896/Rev.1, and that any changes to that circular would need to be addressed by the MSC. The observer from UNHCR welcomed the introduction of the GISIS module and offered to share UNHCR data with IMO.

6.24 The delegation of South Africa cautioned against the general use of the terminology "illegal migrants" and suggested that recognition of legitimate cases of refugees should also be taken into account.

#### **Formalities connected with the arrival, stay and departure of persons: persons rescued at sea**

6.25 The Committee recalled that at COMSAR 14 in March 2010, the Secretary-General had offered his good offices to progress the discussion on measures to protect the safety of persons rescued at sea in the Mediterranean region.

6.26 The Committee recalled that the first regional meeting had been kindly hosted by Italy on 12 October 2011, back to back with the World Maritime Day parallel event in Rome, and attended by countries of the Mediterranean region (Algeria, Cyprus, France, Greece, Italy, Lebanon, Malta, Morocco, Spain, Turkey), the United Kingdom and the Secretariat. The draft terms of reference had been approved in principle and the draft regional Memorandum of Understanding (MoU) had been partly revised at that meeting.

6.27 The Committee recalled further that in order to make significant progress towards finalizing the draft regional MoU, it had been considered beneficial to hold informal consultations among interested parties to agree on some of the more contentious issues and associated draft texts before organizing the next regional formal meeting. Accordingly, informal consultations of interested parties had been held at IMO Headquarters on 21 February 2012. Some of the most contentious aspects had been discussed and agreements reached on sensitive subjects and the draft text of the regional MoU had been improved accordingly.

6.28 The Committee recalled that the second formal regional meeting had been planned to be held on 18 April 2012 at IMO Headquarters, with a view to reviewing the draft of the instrument on procedures relating to the disembarkation of persons rescued at sea.

6.29 The Committee noted that following a request for more time to be given for informal consultations between some parties concerned, the meeting had been postponed.

6.30 The Committee noted the information provided by the Secretariat that:

- .1 following a number of tragic accidents, including on 3 October 2013 when a boat carrying migrants from Libya to Italy had sunk off the Italian island of Lampedusa, with more than 360 deaths, and on 11 October 2013 when another boat had sunk within the SAR region of Malta, with at least 34 individuals confirmed dead, the Secretariat had reactivated the discussions on the development of a draft regional agreement, and an informal meeting between the Member States involved in previous discussions had been convened on 20 November 2013;
- .2 consequently, two additional meetings had been held, on 11 February 2014 and 7 April 2014, to progress the work on the development of a draft regional agreement; it was expected that the second formal regional meeting would be rescheduled in the upcoming months;
- .3 NCSR 1 had noted views expressed by the delegations of the Bahamas, Italy, Malta, the Marshall Islands, Panama and ICS, that:
  - .1 the countries in the Mediterranean were experiencing an increase in migration and were expecting another 100,000 to 150,000 migrants to arrive in Europe over the course of the second part of 2014;
  - .2 coastguard and rescue vessels could not deal with the large numbers of people who needed to be picked up at sea, and assistance from merchant vessels was required on a daily basis;
  - .3 in that connection, concerns had been expressed regarding the safety and security of merchant vessels transporting large numbers of migrants;
  - .4 it was a heavy burden on the administrations and ship owners involved;
  - .5 appreciation had been expressed for the invaluable assistance provided by a large number of merchant vessels;

- .6 ICS had prepared additional guidance complementary to the guidance made available by ICS, IMO and UNHCR at an earlier stage;
  - .7 the role of the FAL Committee and the III and NCSR Sub-Committees was marginal and no substantive work had been done for many years; and
  - .8 the current planned output should be postponed until such time that further progress on the matter had been made regionally;
- .4 NCSR 1, while recognizing the importance of the issues involved and noting that no progress had been made so far on the above-mentioned regional agreement, had agreed to postpone further consideration of the output during the current biennium and invited MSC to move the output to the post-biennial agenda of the Sub-Committee with two sessions needed for completion, in anticipation of further progress on the matter being made regionally; and
- .5 III 1 had aligned its decision with that of NCSR 1, and also agreed to invite the Committees to move the output to the post-biennial agenda of the Sub-Committee with two sessions needed for completion.

6.31 The Committee recalled the remarks made by the Secretary-General in his opening remarks regarding his action plan for the prevention of migrants travelling by sea, and to determine and map out the role of IMO in an attempt, in cooperation with other United Nations agencies such as UNHCR and UNODC, to prevent illegal migrants from travelling by sea from countries in North Africa to countries in continental Europe.

6.32 Taking into account that FAL 40 would not be held in the current biennium and that work on the matter was still ongoing, the Committee agreed to extend the target completion year for the item to 2016.

## **7 ENSURING SECURITY IN AND FACILITATING INTERNATIONAL TRADE**

### **Measures toward enhancing maritime cybersecurity**

7.1 The Committee considered document FAL 39/7 (Canada), proposing the development of guidelines on maritime cybersecurity in light of the dramatic increases in the use of cyber systems across the maritime sector, and invited the Committee to create an intersessional correspondence group to conduct that work, on the basis of the draft terms of reference provided in the document.

7.2 Although there was considerable support for progress on the work on cybersecurity and to establish a correspondence group, the Committee noted that the relevant planned output in the High-level Action Plan for the Organization gave responsibility for maritime security to MSC and not to FAL. The Committee further noted that the industry was already working to address the issue and that similar proposals with respect to cybersecurity had been submitted to MSC 94.

7.3 The Committee decided to consider the proposal for the approval of a new unplanned output matter on the subject under agenda item 13 (Work programme (see paragraph 13.2)).

**Information related to privately contracted armed security personnel (PCASP) embarkation and disembarkation**

7.4 The Committee recalled that FAL 38 had noted that the responses to the questionnaire circulated as MSC-FAL.1/Circ.2 entitled "Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships", and any related national legislation, policies and procedures provided, had been posted by the Secretariat, in the language received, on the public IMO website ([www.imo.org](http://www.imo.org)).

7.5 The Committee recalled that FAL 38 had invited Contracting Governments to note the information promulgated on the IMO website and had urged Member States that had not done so to complete the questionnaire annexed to MSC-FAL.1/Circ.2 and submit the information to the Organization at their earliest convenience.

7.6 The Committee recalled that FAL 38 had also agreed to request the Secretariat to communicate with Member States to remind them of the need to supply the information requested in the questionnaire. Taking into account the importance of the issue, FAL 38 had decided to revisit the subject at FAL 39.

7.7 The Committee noted that following the decision of FAL 38, the Secretariat had issued Circular Letter No.3366 on 14 May 2013 reminding States of the need to submit the information contained in the annex to MSC-FAL.1/Circ.2 to the Organization at their earliest convenience.

7.8 The Committee further noted that after issuing that circular letter, the Organization had received only a limited number of responses: 16 Member States and one Associate Member, six of which bordered the Indian Ocean, Arabian Sea, Gulf of Aden or Red Sea. The Secretariat had released, on 17 July 2014, Circular Letter No.3366/Add.1, with the subject "Reminder to submit information in relation to MSC-FAL.1/Circ.2 on Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships", reiterating the call to all States to provide the information in relation to MSC-FAL.1/Circ.2.

7.9 The Committee again urged Contracting Governments to complete the questionnaire and to submit it to the Organization at their earliest convenience.

**8 SHIP/PORT INTERFACE****Facilitation of shipments of dangerous cargoes**

8.1 The Committee recalled that FAL 38 had agreed to finalize the trials of the mechanism established by FAL 34 for the resolution of difficulties in the carriage of IMDG Code class 7 radioactive materials, and to leave it on a permanent basis until the problem was resolved, as set out in annex 5 to FAL 34/19.

8.2 The Committee further recalled that FAL 38 had agreed to cooperate with relevant agencies and organizations on issues surrounding the delays and denials of shipments of IMDG Code classified cargoes, in particular IMDG Code class 7 radioactive materials, including those in packaged form used in medical or public health applications, and to report accordingly to FAL 39.

- 8.3 The Committee noted the information provided by the Secretariat that:
- .1 the Secretariat had attended the IAEA Technical Meeting on Issues of Harmonization, Communication and Denials of Shipment, Taking into Account the Results of the 2011 International Conference on the Safe and Secure Transport of Radioactive Material, which had been held in Vienna from 1 to 3 April 2014, where the Secretariat had reported on the outcome of FAL 38;
  - .2 the Technical Meeting had expressed its appreciation for the decision by IMO to finalize the trials of the mechanism for the resolution of difficulties in the carriage of IMDG class 7 Radioactive Materials, and to leave it on a permanent basis until the problem was resolved;
  - .3 the Technical Meeting had noted the conclusion of the eighth and final meeting of the International Steering Committee (ISC-8), held in Vienna from 11 to 14 June 2013, that there was an ongoing need to maintain a focus on denials and to address issues as they arose; the Technical Meeting had also discussed the recommendation of ISC-8 to establish a Denials Working Group that would continue to consider the issue of denials and delays of shipment and would report to the IAEA Transport Safety Standards Committee (TRANSSC) via the Inter-Agency Working Group (IAG), an informal group comprising representatives from the IMO, ICAO, UNECE and IAEA secretariats, focusing, in part, on exchanging information on the developments of regulations for the transport of radioactive material in all modes of transport;
  - .4 in that regard, the Technical Meeting had agreed to rename the proposed working group the Transport Facilitation Working Group (TFWG), the terms of reference of which would be developed in the following 12 months; and
  - .5 it was expected that the TFWG would report any recommendations to the IAG, and that the IAEA/IMO/ICAO/UNECE secretariats would in turn report to the relevant bodies within their organizations; the IMO and IAEA secretariats would keep the Committee informed of any new developments with regard to the TFWG, as well as any proposals or outcomes related to denials and delays emanating from TRANSSC.

8.4 The Committee noted the information that 1,119 stakeholders had used the computer-based training package on class 7 e-learning which had been developed and which was functional on [www.class7elearning.com](http://www.class7elearning.com). The Committee noted that the program was available free of cost to all non-commercial users.

## **9 GUIDELINES ON MINIMUM TRAINING AND EDUCATION FOR MOORING PERSONNEL**

9.1 The Committee recalled that FAL 32 had approved FAL.6/Circ.11 and established the Correspondence Group on Development of a Model Course on Training of Mooring Personnel.

9.2 The Committee recalled that FAL 38 had considered document FAL 38/8/1 (Italy and Spain), proposing amendments to FAL.6/Circ.11 on *Guidelines on minimum training and education for mooring personnel*, aimed at increasing the level of safety when ships proceed to mooring operations, by updating the training taking into account the experience gained, and had agreed to include the training of mooring personnel as a new output in the proposals for the High-level Action Plan of the Organization and priorities for the 2014-2015 biennium. A 28 had included it in resolution A.1061(28) as planned output 5.2.1.31.

9.3 The Committee considered document FAL 39/9 (Belgium, Italy and Spain) proposing to amend FAL.6/Circ.11, which was considered necessary owing to the evolution in the way mooring services were provided, the significant changes that had affected ships and ports, and the total interdependence between activity ashore and on board.

9.4 Although there was general support for many of the proposed amendments, during lengthy discussions a number of delegations expressed concern that some of the proposed training requirements were either excessive or not applicable to the role of shore-based mooring personnel. It was also pointed out that the requirement for mooring personnel to be part of a specific professional organization might be contrary to national employment laws. A statement by the observer from ITF is attached in annex 6.

9.5 The Committee agreed that many of the issues could be resolved by a working group and decided to forward the document to the Working Group on FAL Circulars on Training of Mooring Personnel, for its consideration and further work.

#### **Establishment of the Working Group on FAL Circulars on Training of Mooring Personnel and a tool for the self-assessment of national implementation of the FAL Convention**

9.6 The Committee established the Working Group on FAL Circulars on Training of Mooring Personnel under the Chairmanship of Mr. Moisés de Gracia (Panama), and instructed it, taking into account document FAL 39/9 and the decisions of and comments and proposals made in plenary, to:

- .1 consider the review of the *Guidelines on minimum training and education for mooring personnel*, and, if appropriate, prepare a final draft for approval by the Committee; and
- .2 prepare the cover of a FAL Circular, if appropriate.

#### **Consideration of the report of the working group**

9.7 Having considered the report of the working group (FAL 39/WP.7), and having noted the division of opinions in the working group, the Committee recognized that it was not possible to approve the revised guidelines prepared by the working group.

9.8 The Committee further noted the following issues that should be considered in the future revision of the guidelines:

- .1 the need to include in the guidelines a definition on mooring personnel; and
- .2 whether to maintain the references to the privatization of ports services in the circular.

9.9 Therefore the Committee approved the extension of planned output 5.2.1.31 to 2016. The Committee considered the possibility of creating a correspondence group to report to FAL 40, but the majority of the Committee was not in favour of doing so because of the absence of terms of reference. The Committee invited member States and international organizations to present proposals to FAL 40, where a working group would be established.

9.10 A statement by the observer from ITF is attached in annex 6.



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## 10 TECHNICAL COOPERATION ACTIVITIES RELATED TO FACILITATION OF MARITIME TRAFFIC

10.1 The Committee recalled that FAL 38 had approved the thematic priorities for the Integrated Technical Cooperation Programme (ITCP) in relation to FAL matters for the 2014-2015 biennium. The Committee noted that the Technical Cooperation Committee (TCC) at its sixty-third session had approved ITCP for 2014-2015, which included several activities relevant to the FAL Convention to be implemented during the next biennium.

10.2 The Committee recalled that FAL 37 had noted the decision taken by TC 61 to establish a correspondence group for the development of a demonstration project linking ITCP with MDG 1 on the reduction of poverty, to progress the matter further. The coordinator of the correspondence group was Angola.

10.3 The Committee considered document FAL 39/10 (Secretariat), reporting on the status of activities relevant to the implementation of the FAL Convention, as amended, conducted under ITCP in the period from January 2013 and April 2014, and noted that:

- .1 three regional seminars had been carried out, in Peru, Costa Rica and Antigua and Barbuda;
- .2 following the information provided by the Secretariat to FAL 38 regarding the Strategic Plan for improving the accession to and effective implementation of the FAL Convention, the Secretariat had organized four national seminars (in Chile, Kenya, Malaysia and Myanmar) to promote the accession of the FAL Convention, and for a better implementation of the FAL Convention; the national seminars had offered a better understanding of the FAL Convention and electronic means for the clearance of ships and the use of the single window concept, and the conclusions had been very positive because it had been a good opportunity to improve coordination between public authorities and the private sector in ports;
- .3 a regional seminar on "Stowaways in West and Central Africa: Analysis of the current situation and measures to reduce their number" had been carried out in Côte d'Ivoire;
- .4 the Secretariat had also accomplished a feasibility study for the development of a port management system (single window system) in Ho Chi Minh City, Viet Nam; and
- .5 another important project related to facilitation was the Demonstration Project that had been approved by TC 62, with the aim of "showing the potential role of maritime transport facilitation in the reduction of poverty (MDG 1)"; the Secretariat had fielded two missions to Cameroon, the first of which, a needs assessment, had been held in March 2013, and the second of which had been held in December 2013, as part of the project's second phase which was focused on the audit of transit times in port, harmonization of practices and services, improvements in road network and equipment in the port, including training needs for administrative personnel and stakeholders involved in the clearing of ships; another mission of the project was going to take place in Cameroon, although the dates would be decided later depending on the progress of work in the country, the objective of which would be to analyse and synthesize actions planned or carried out by the various stakeholders aimed at reducing the dwell time in ports.

10.4 The delegations of Antigua and Barbuda, Chile, Kenya and Peru expressed their appreciation for the technical cooperation activities delivered by IMO in their countries. A statement by Peru is attached in annex 6.

10.5 The delegation of Cameroon, while expressing gratitude for the implementation of the Demonstration Project, recalled that Cameroon had requested TC 64 to consider the recruitment of a national counterpart to work with the IMO consultants on the project as a way to build national capacity, but regretted that due to the lack of funds, it had not been possible to grant that request. The Committee took note of the information, and subsequently referred the matter to the next session of TCC (TC 65).

### **Proposed thematic priorities for 2016-2017 biennium**

10.6 The Committee noted that TC 65, in July 2015, was expected to approve ITCP for 2016-2017, which would be developed based on assessed needs of the beneficiaries, the approved work programme of the Organization, the interests of developing partners and the thematic priorities agreed by the Committees and the corresponding needs of developing countries.

10.7 The Committee recalled that under his review and reform initiative, the Secretary-General had recommended to the Council (document C 109/3/1, paragraph 48) that a limited number of priority TC themes per year should be focused on in order to provide more effective delivery and to maximize the impact under national activities throughout the regions. That action would be financed through the allocation of a ring-fenced percentage of core TC Funds, based on the existing Technical Advisory Services Programme as a blueprint. In that regard, although the main needs of countries/regions had not changed substantially and the eight thematic priorities presented for consideration by the Committee at FAL 36 would continue to apply to most regions, the Secretariat, based on experience gained from the delivery of technical assistance, suggested, for the Committee's consideration, the following six priority themes for the 2016-2017 biennium:

- .1 Enhance the facilitation of international maritime traffic within the context of trade facilitation (thematic priority number 1);
- .2 Promote the FAL Convention (thematic priority number 2);
- .3 Encourage the use of information and communication technology (thematic priority number 4);
- .4 Support the training of personnel involved in port activities (thematic priority number 5);
- .5 Assist Member States on the problems caused by stowaways and illegal migrants (thematic priority number 6); and
- .6 Promote the ratification and effective implementation of the FAL Convention in developing countries, especially in Africa (thematic priority number 8).

10.8 The Committee noted that a review of the outcomes of the Voluntary IMO Member State Audit Scheme thus far clearly showed that the Organization had no other option but to allocate, during the 2016-2017 biennium, a significant part of its limited technical-cooperation-related resources to meeting the emerging needs of Member States related to the audit scheme. Thus, the allocation of resources for FAL-related projects, as well as for other purposes had, unavoidably, to be restricted. National seminars would therefore be the priority, and the identification of FAL-related needs would be based on the information provided through the Country Maritime Profiles (CMPs). Member States that had not yet

completed their CMPs were therefore urged to do so, and those that had already done so should check that their CMPs were up to date and properly reflected their FAL-related needs.

10.9 The delegation of Chile reiterated the opinion already expressed at TC 64 on the necessity to maintain regional events related to technical cooperation independently of the existence of the CMPs. A statement by Chile is attached in annex 6.

#### **Prototype of maritime single window**

10.10 The Committee considered document FAL 39/10/3 (Secretariat), and recalled that FAL 38 had agreed to the proposal made by Norway that, taking into account both the costs and complexities of the systems of electronic exchange of information, and also its benefits for the reduction of administrative burdens on ship masters and administrations, TC 63 should be requested to consider setting up a new project activity within ITCP to develop a prototype of single window in maritime transport. That new project activity could assist Member States with financing and technical assistance in establishing systems for the electronic exchange of information.

10.11 The Committee further recalled that TC 63 had approved ITCP 2014-2015, including the enhanced exchange of electronic information by conducting up to four needs-assessment missions in selected pilot countries.

10.12 The Committee noted that the Secretariat had found during the technical cooperation activities on FAL that the majority of Member States had some kind of single window in place related to cargo, but only a few had any single window for maritime transport. Based on those experiences and to make more efficient use of the limited resources available under ITCP, the Secretariat planned to design a prototype of a maritime single window in lieu of undertaking the four assessment missions. That maritime single window would be focused on facilitating the clearance of ships, passengers and crew members, and on connecting the cargo-related information with the single window on cargo clearance already in place, using the information provided in the IMO FAL Forms.

10.13 The Committee noted that the schedule of the project had three phases:

- .1 First phase: gathering information on the current situation of the clearance of ships, cargo and passengers at ports of six developing countries;
- .2 Second phase: taking into account the information collected in phase I, a second questionnaire would be sent to the authorities involved in the clearance of ships, such as port, maritime, customs, health, agricultural, police and immigration authorities; and
- .3 Third phase: on the basis of the information obtained in phases I and II, the prototype of a maritime single window would be designed and implemented in one of the selected countries; the prototype would be developed by experts on IT and on port clearance, and the final product would be the property of IMO.

10.14 The Committee noted the support of various delegations for the initiative, and the offers made by some delegations to participate in the project. The Committee also noted that the initiative was an essential part of the review of the annex to the FAL Convention, as it would support the implementation of systems for the electronic exchange of information.

10.15 The Committee requested the Secretariat to report on the progress of the project to FAL 40.

## 11 RELATIONS WITH OTHER ORGANIZATIONS

### Relations with non-governmental organizations

11.1 In considering document FAL 39/11 (Secretariat), the Committee noted the relevant decisions of C 110, C/ES.27 and C 112 in respect of relations with non-governmental organizations.

11.2 The Committee noted inter alia that, since FAL 38, the Council at its 110th session had decided:

- .1 not to grant consultative status to Euroshore International (Euroshore);
- .2 to convert the consultative status granted to Superyacht Builders Association (SYBAss), Pacific Environment, Clean Shipping Coalition (CSC), Bureau International des Containers et du Transport Intermodal (BIC) and the International Iron Metallics Association (IIMA), on a provisional basis, to full consultative status;
- .3 to withdraw the consultative status of the European Federation of Insurance Intermediaries (BIPAR) and to advise the Assembly accordingly;
- .4 to remind the International Salvage Union (ISU) and the Iberoamerican Institute of International Law (IIDM) of the necessity to fulfil their obligations in accordance with the Rules Governing Relationship with Non-governmental International Organizations and the *Guidelines on the Grant of Consultative Status* and that, if there should be no improvement in their performance during the next biennium, their status might be withdrawn; and
- .5 to maintain the consultative status of the Global Maritime and Training Association (GlobalMet) and the International Fund for Animal Welfare (IFAW).

11.3 The Committee noted, inter alia, that C/ES.27 had decided not to grant consultative status to the Security Association for the Maritime Industry (SAMI).

11.4 The Committee noted, inter alia, that C 112 had decided:

- .1 to defer its decision regarding the application of the International Water Mist Association (IWMA) until it had provided additional information in relation to paragraphs 8, 14 and 15 of the IMO questionnaire associated with the *Rules and Guidelines for Consultative Status of Non-governmental International Organizations with the International Maritime Organization*, and invited the Association to submit that information for the consideration of the 113th session of the Council in December 2014, and to request IWMA to comply with the "One China" policy and to amend its website accordingly; and
- .2 not to grant consultative status to the Society for Gas as a Marine Fuel (SGMF).

## 12 APPLICATION OF THE COMMITTEE'S GUIDELINES

12.1 The Committee recalled that FAL 38 had approved FAL.3/Circ.209 on the revised *Guidelines on the organization and method of work of the Facilitation Committee*, and had invited the committees to note the revision and to consider if the editorial improvements made by FAL 38 should be included in the relevant guidelines of the committees in due course.

12.2 The Committee noted that C 110 had decided that the editorial improvements made by FAL 38 might be included in any revision to Assembly resolution A.1013(26), and had requested the Secretariat to prepare any relevant changes resulting from the FAL Committee's modified guidelines for consideration by the Ad Hoc Council Working Group on the Organization's Strategic Plan at its session in October 2013.

12.3 The Committee noted that C/ES.27 had approved the revised draft *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization*, together with the associated draft Assembly resolution as amended, and had forwarded them to the twenty-eighth regular session of the Assembly for adoption.

12.4 The Committee noted further that A 28 had adopted resolution A.1062(28) on *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization*, which requested the committees to review and revise, during the 2014-2015 biennium, the guidelines on the organization and method of their work, taking account of the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization*, as appropriate.

12.5 The Committee noted also that MEPC 66 had agreed to await the consideration by MSC 93 of the relevant document prepared by the Secretariat (MSC 93/19) before taking a decision.

12.6 The Committee noted that MSC 93 had approved the Committees' guidelines in general, but had noted that the editorial improvements regarding the establishment of splinter groups in a working group had removed the important concept of unanimous agreement in the existing Committees' Guidelines. Therefore, MSC 93 had reinstated the concept of unanimous agreement for establishing splinter groups in paragraph 5.20 of the Guidelines and had authorized the Secretariat to make any necessary editorial amendments and to inform MEPC 67 of the Committee's decision. Subsequently, MSC 93 had approved the draft MSC-MEPC circular on *Guidelines on the organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*, subject to concurrent approval by MEPC 67, and had noted that the amended provisions would be applicable to submissions to MSC 95 and all sub-committee meetings thereafter.

12.7 Following consideration of document FAL 39/12 (Secretariat) proposing amendments to the Committee's guidelines, the Committee approved FAL.3/Circ.210 on the revised *Guidelines on the organization and method of work of the Facilitation Committee*.

## 13 WORK PROGRAMME

### NEW OUTPUTS PROPOSED BY MEMBER GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

#### **Joint IMO/ICAO publication on international signs to provide guidance to persons at airports and marine terminals**

13.1 The Committee considered document FAL 39/13 (Italy and ISO), proposing a review of the Joint IMO/ICAO publication on international signs to provide guidance to persons at

airports and marine terminals, and agreed to include in the post-biennial agenda of the Committee an output on "Review of the international signs to provide guidance to persons at marine terminals", with one session needed to complete the item. Taking into account that the subject would not be considered by the Committee until the spring of 2016, the Committee agreed to inform ICAO of that decision and, in order to avoid any possible delay, to recommend the release of their publication on international signs to provide guidance to persons at airports terminals, as appropriate<sup>1</sup>.

### **Guidelines on maritime cybersecurity**

13.2 The Committee considered document FAL 39/WP.8 (Canada), proposing to develop guidelines on the facilitation aspects of protecting the maritime transport network from cyberthreats, and agreed to include in the post-biennial agenda of the Committee an output on "Guidelines on maritime cybersecurity", with one session needed to complete the item.

### **NEW OUTPUTS AGREED AS A RESULT OF THE ALIGNMENT OF SUBSTANTIVE ITEMS TO BE INCLUDED IN THE PROVISIONAL AGENDA WITH THE HIGH-LEVEL ACTION PLAN**

13.3 On the preparation of the list of substantive items to be included in the provisional agenda, and taking into account the problems encountered during the session for discussing subjects related to high-level actions but not included as outputs in the work programme of the Committee, the Chairman proposed a revised list of substantive items (FAL 39/WP.3/Corr.1, annex 1), aligning it with the High-level Action Plan (HLAP) approved by A 28.

13.4 However, the Committee recognized that there were still some subjects on the current agenda of the Committee that had not been included the HLAP. The Committee recognized further that that situation had arisen in previous sessions, and in order to achieve consistency between the Committee's agenda and the HLAP, the Committee agreed to approve:

- .1 an unplanned output on "Application of single-window concept", under High-level Action 8.0.3; and
- .2 the addition of the "stowaways" to planned output 8.0.2.1, as follows: "Consideration and analysis of reports on information on illegal migrants and stowaways".

### **ENDORSEMENT OF OUTPUTS**

13.5 In accordance with the relevant provisions of the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1062(28)), the Committee invited C 113 to endorse, for inclusion in the High-level Action Plan of the Organization and priorities for the 2016-2017 biennium, the following new outputs agreed by the Committee:

- .1 review of the international signs to provide guidance to persons at marine terminals (paragraph 13.1);
- .2 guidelines on maritime cybersecurity (see paragraph 13.2); and
- .3 application of single-window concept (see paragraph 13.4.1);

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<sup>1</sup> After FAL 39, the Secretariat contacted ICAO to inform of the Committee's decision; the ICAO secretariat later advised that the ICAO FAL Panel would consider the final version of their document in May 2016, and therefore the planned joint publication date in 2016 was still valid for ICAO.

13.6 The Committee also invited C 113 to endorse, for inclusion in the High-level Action Plan of the Organization and priorities for the 2016-2017 biennium, the replacement of the existing title of output 8.0.2.1 with "Consideration and analysis of reports on information on illegal migrants and stowaways" (see paragraph 13.4.2).

#### **SUBSTANTIVE ITEMS FOR INCLUSION IN THE AGENDA FOR FAL 40**

13.7 The Committee amended and approved the list of substantive items to be included in the provisional agenda for FAL 40, as set out in annex 2.

#### **ESTABLISHMENT OF WORKING AND DRAFTING GROUPS AT FAL 40**

13.8 The Committee, taking into account the decisions made under various agenda items, agreed that working groups on the following items should be established at FAL 40:

- .1 Requirements for access to or electronic versions of certificates and documents, including record books required to be carried on ships; and
- .2 Review of the *Guidelines on minimum training and education for mooring personnel*.

13.9 The Committee agreed that a drafting group should be established at FAL 40 for the adoption of the amendments to the annex to the FAL Convention; the Committee recognized that, at the current stage, it was not possible to predict if additional drafting groups should be established at FAL 40.

13.10 The Committee further agreed that, should the need arise, FAL 40 should determine any other working or drafting groups that might need to be established when considering the various agenda items. The Committee instructed the Secretariat, in consultation with the Chairman, to prepare and circulate the provisional timetable for FAL 40 and a list of the likely working or drafting groups that might need to be established for consideration by FAL 40.

#### **DATE AND VENUE OF THE NEXT SESSION**

13.11 The Committee noted that FAL 40 had been tentatively scheduled to take place in March or April 2016 at the IMO Headquarters, 4 Albert Embankment, London, United Kingdom.

#### **STATUS OF PLANNED OUTPUTS OF THE COMMITTEE FOR THE 2014-2015 BIENNIUM**

13.12 The Committee endorsed the status of planned outputs for the 2014-2015 biennium, reproducing the items listed in resolution A.1061(28), which had been prepared by the Secretariat in consultation with the Chairman, and the Committee consequently invited C 113 to note the biennial status report of the Facilitation Committee, as set out in annex 3.

#### **PROPOSALS FOR THE HIGH-LEVEL ACTION PLAN AND PRIORITIES FOR THE 2016-2017 BIENNIUM**

13.13 The Committee, having considered document FAL 39/WP.4 (Secretariat), proposing modifications to the planned outputs assigned to the Committee for the 2016-2017 biennium taking into account the progress made by the Committee during the current biennium, approved the proposals for the High-level Action Plan of the Organization and priorities for the 2016-2017 biennium for matters under the purview of the Facilitation Committee, as set out in annex 4, for submission to C 113.

## **POST-BIENNIAL AGENDA OF THE COMMITTEE**

13.14 The Committee endorsed the status of planned outputs accepted as post-biennial outputs for the 2014-2015 biennium, which had been prepared by the Secretariat in consultation with the Chairman, and the Committee consequently invited C 113 to note the post-biennial agenda of the Facilitation Committee, as set out in annex 5.

### **14 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2015**

14.1 The Committee, in accordance with its Rules of Procedure, re-elected Mr. Yury Melenas (Russian Federation) to the post of Chairman and Mrs. Marina Angsell (Sweden) to the post of Vice-Chairman for 2015, by acclamation.

### **15 ANY OTHER BUSINESS**

15.1 The Committee noted that no documents had been submitted under the current item.

### **16 ACTION REQUESTED OF OTHER IMO BODIES**

16.1 The Council, at its 113th regular session, was invited to:

- .1 consider the report of the thirty-ninth session of the Facilitation Committee and, in accordance with Article 21(b) of the IMO Convention, transmit it, with its comments and recommendations, to the twenty-ninth session of the Assembly;
- .2 note the approval of the amendments to the annex to the FAL Convention for circulation in accordance with article VII(2)(a) of the Convention with a view to adoption at FAL 40 (paragraph 4.43 and annex 1);
- .3 note the revised *Guidelines on the organization and method of work of the Facilitation Committee* (FAL.3/Circ.210) (paragraph 12.7);
- .4 endorse the new outputs agreed at the session for inclusion in the High-level Action Plan and priorities for the 2016-2017 biennium (paragraphs 13.5 and 13.6);
- .5 note the report on the status of planned outputs for the 2014-2015 biennium (paragraph 13.12 and annex 3);
- .6 endorse the proposed High-level Action Plan of the Organization and priorities for the 2016-2017 biennium for matters under the purview of the Facilitation Committee (paragraph 13.13 and annex 4); and
- .7 note the updated post-biennial agenda of the Facilitation Committee (paragraph 13.14 and annex 5).

16.2 The Maritime Safety Committee, at its ninety-fourth session, was invited to:

- .1 instruct E&T 23, in April 2015, to consider the proposal made by Japan contained in document FAL 39/4, annex 2, to enable CCC 2 to advise FAL 40 on the information required in the Dangerous Goods Manifest and listed on Standard 2.8.1 and on FAL Form 7 (paragraphs 4.20, 4.25 and 4.41);



- .2 note the outcome of the Regional Seminar on Stowaways in West and Central Africa, held in Abidjan (Côte d'Ivoire) from 25 to 27 March 2014, referred to in documents FAL 39/6 and FAL 39/6/1, including the detailed list of agreed proposals to promote port security effectiveness (paragraphs 4.28 to 4.38);
- .3 note the Committee's decision that electronic certificates should be used as equivalent to traditional paper certificates, provided that the certificates and the website used to access them conform to the guidelines approved by the Organization and specific verification instructions were available on board the ship (paragraph 5.32);
- .4 note the Committee's decision that electronic certificates viewed on a computer should be considered as meeting the requirements to be "on board" (paragraph 5.33);
- .5 consider amending FAL.2/Circ.127-MEPC.1/Circ.817-MSA.1/Circ.1462 on List of certificates and documents required to be carried on board ships, 2013 so as to reflect the previous decision (paragraph 5.33);
- .6 note that the Secretariat had been instructed to modify the module "Survey and certification" of GISIS to add references to Administrations issuing electronic certificates, including the list of certificates issued electronically by each Administration and any additional information, as considered necessary by the Administration, and to make that information accessible to the general public (paragraph 5.34);
- .7 note that the Committee had urged Administrations issuing electronic certificates to communicate the necessary information to the Organization through the "Survey and certification" module of GISIS, once changes to the module had been implemented (paragraph 5.35);
- .8 consider FAL.5/Circ.39/Rev.1 on *Guidelines for the use of electronic certificates*, and take any necessary action, as appropriate (paragraph 5.36);
- .9 note that the Correspondence Group on Electronic Access to Certificates and Documents had been re-established in order to continue to gather experience of the implementation and use of electronic certificates and propose revisions to the guidelines, as needed; develop a model framework for implementing electronic certificates; consider alternatives to the need for using traditional signatures, stamps and seals to issue and approve electronic certificates; and advise the Committee on possibilities for industry standards to support use of electronic certificates (paragraph 5.38);
- .10 note the decision to extend to 2016 the target completion year for the planned output on "Development of measures to protect the safety of persons rescued at sea" (paragraph 6.31);
- .11 note the decision to approve a new output on "Guidelines on maritime cybersecurity" to be included in the High-level Action Plan of the Organization and priorities for the 2016-2017 biennium (paragraphs 7.1 to 7.3, 13.2 and 13.5.2); and
- .12 note the need to supply the information requested in MSC-FAL.1/Circ.2 on PCASP (paragraph 7.9).

16.3 The Marine Environment Protection Committee, at its sixty-seventh session, was invited to:

- .1 note the Committee's decision that electronic certificates should be used as equivalent to traditional paper certificates, provided that the certificates and the website used to access them conform to the guidelines approved by the Organization and specific verification instructions were available on board the ship (paragraph 5.32);
- .2 note the Committee's decision that electronic certificates viewed on a computer should be considered as meeting the requirements to be "on board" (paragraph 5.33);
- .3 consider amending FAL.2/Circ.127-MEPC.1/Circ.817-MSC.1/Circ.1462 on List of certificates and documents required to be carried on board ships, 2013 so as to reflect the previous decision (paragraph 5.33);
- .3 note that the Secretariat had been instructed to modify the module "Survey and certification" of GISIS to add references to Administrations issuing electronic certificates, including the list of certificates issued electronically by each Administration and any additional information, as considered necessary by the Administration, and to make that information accessible to the general public (paragraph 5.34);
- .4 note that the Committee had urged Administrations issuing electronic certificates to communicate the necessary information to the Organization through the "Survey and certification" module of GISIS, once changes to the module had been implemented (paragraph 5.35);
- .5 consider FAL.5/Circ.39/Rev.1 on *Guidelines for the use of electronic certificates*, and take any necessary action, as appropriate (paragraph 5.36); and
- .6 note that the Correspondence Group on Electronic Access to Certificates and Documents had been re-established in order to continue to gather experience of the implementation and use of electronic certificates and propose revisions to the guidelines, as needed; develop a model framework for implementing electronic certificates; consider alternatives to the need for using traditional signatures, stamps and seals to issue and approve electronic certificates; and advise the Committee on possibilities for industry standards to support use of electronic certificates (paragraph 5.38).

16.4 The Technical Cooperation Committee, at its sixty-fifth session, was invited to:

- .1 note the approval of the priority themes for ITCP covering the 2016-2017 biennium and take action as appropriate (paragraph 10.7);
- .2 note the reminder to Member States to provide information on FAL-related needs through the Country Maritime Profiles (CMPs) (paragraph 10.8); and
- .3 note the project of the Secretariat to design a prototype of a maritime single window, as an essential part of the review of the annex to the FAL Convention, because it would support the implementation of systems for the electronic exchange of information; that project would be funded through ITCP, and some delegations expressed their interest to participate in the project (paragraph 10.10 to 10.15);

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## ANNEX 1

### AMENDMENTS<sup>1</sup> TO THE ANNEX TO THE FAL CONVENTION

#### Section 1 – Definitions and general provisions

##### A. Definitions

For the purpose of the provisions of this annex, the following meanings shall be attributed to the terms listed:

*Attempted stowaway.* A person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the master or any other responsible person, and who is detected on board the ship before it has departed from the port.

*Cargo.* Any goods, wares, merchandise, and articles of every kind whatsoever carried on a ship, other than mail, ship's stores, ship's spare parts, ship's equipment, cargo transport units not carried under a contract of carriage with a shipper, crew's effects and passengers' accompanied baggage.

*Crew's effects.* Clothing, items in everyday use and other articles, which may include currency, belonging to the crew and carried on the ship.

*Crew member.* Any person actually employed for duties on board during a voyage in the working or service of a ship and included in the crew list.

*Cargo transport unit (CTU).* A freight container, swap-body, vehicle, railway wagon or any other similar unit.

*Cruise ship.* A ship on an international voyage carrying passengers participating in a group programme and accommodated aboard, for the purpose of making scheduled temporary tourist visits at one or more different ports, and which during the voyage does not normally:

- (a) embark or disembark any other passengers;
- (b) load or discharge any cargo.

~~*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.~~

*Clearance.* Accomplishment of customs and/or other formalities necessary to:

- (a) Permit goods to enter home use, to be exported or to be placed under another Customs procedure (so called Customs clearance),
- (b) Permit persons to enter the territory of a State, or
- (c) Permit a ship to enter or depart a port within the territory of a State.

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<sup>1</sup> Draft amendments are shown in shaded (new text) and strikethrough (deleted text).

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

**Document.** Information presenting data by electronic means or by non-electronic means.

**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.

**Freight container.** An article of transport equipment that is of a permanent character and accordingly strong enough to be suitable for repeated use; specially designed to facilitate the transport of goods, by one or other modes of transport, without intermediate reloading; designed to be secured and/or readily handled, having fittings for these purposes, and approved in accordance with the International Convention for Safe Containers (CSC), 1972, as amended. The term "freight container" includes neither vehicle nor packaging; however a freight container that is carried on a chassis is included.

**ISPS Code.** The "International Ship and Port Facility Security (ISPS) Code" adopted on 12 December 2002 by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as may be amended by the Organization.

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

**Master.** The person having command of a ship.

**Passenger in transit.** A passenger who arrives by ship from a foreign country for the purpose of continuing his/her journey by ship or some other means of transport to a foreign country.

**Passengers' accompanied baggage.** Property, which may include currency, carried for a passenger on the same ship as the passenger, whether in his/her personal possession or not, so long as it is not carried under a contract of carriage of goods or other similar agreement.

**Port.** Any port, terminal, offshore terminal, ship and repair yard or roadstead which is normally used for the loading, unloading, repair and anchoring of ships, or any other place at which a ship can call.

**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.

**Public authorities.** The agencies or officials in a State responsible for the application and enforcement of the laws and regulations of that State which relate to any aspect of the Standards and Recommended Practices contained in this annex.

**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\*.

**Ship Agent.** The party representing the ship's owner and/or charterer (the Principal) in port. If so instructed, the agent is responsible to the Principal for arranging, together with the port,

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

a berth, all relevant port and husbandry services, tending to the requirements of the Master and crew, clearing the vessel with the port and other authorities (including preparation and submission of appropriate documentation) along with releasing or receiving cargo on behalf of the Principal.

*Single Window.* A facility that allows submission of standardized information covered by the Convention to a single entry point.

*Shipowner.* One who owns or operates a ship, whether a person, a corporation or other legal entity, and any person other than the ship agent acting on behalf of the owner or operator.

*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.

*Ship's equipment.* Articles, other than ship's spare parts, on board a ship for use thereon, which are removable but not of a consumable nature, including accessories such as lifeboats, life-saving devices, furniture, ship's apparel and similar items.

*Ship's spare parts.* Articles of a repair or replacement nature for incorporation into the ship in which they are carried.

*Ship's stores.* Goods for use in the ship, including consumable goods, goods carried for sale to passengers and crew members, fuel and lubricants, but excluding ship's equipment and ship's spare parts.

*Shipper.* The party named on the bill of lading or waybill as shipper and/or who concludes a contract of carriage (or in whose name or on whose behalf a contract of carriage has been concluded) with a carrier. Also known as the sender.

*Shore leave.* Permission for a crew member to be ashore during the ship's stay in port within such geographical or time limits, if any, as may be decided by the public authorities.

*Stowaway.* A person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the master or any other responsible person and who is detected on board the ship after it has departed from a port, or in the cargo while unloading it in the port of arrival, and is reported as a stowaway by the master to the appropriate authorities.

*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 owing to the use made of them.

*Time of arrival.* Time when a ship first comes to rest, whether at anchor or at a dock, in a port.

*Transport document.* Information evidencing a contract of carriage between a shipowner and a ~~consignor~~ shipper, such as a sea waybill, a bill of lading or a multi-modal transport document.

## **B. General provisions**

In conjunction with paragraph 2 of article V of the Convention, the provisions of this annex shall not preclude public authorities from taking such appropriate measures, including calling for further information, as may be necessary in cases of suspected fraud, or to deal with special problems constituting a grave danger to public order (*ordre public*), public security or public health, such as unlawful acts against the safety of maritime traffic and illicit trafficking in narcotic drugs and psychotropic substances, or to prevent the introduction or spread of disease or pests affecting animals or plants.

1.1 **Standard.** Public authorities shall in all cases require only essential information to be furnished, and shall keep the number of items to a minimum.

~~1.1.1 **Recommended Practice.** Public authorities should take into account the facilitation implications which may result from the introduction of systems for the electronic exchange of information, and should consider these in collaboration with shipowners and all other interested parties.~~

~~Existing information requirements and control procedures should be simplified, and attention should be given to the desirability of obtaining compatibility with other relevant information systems.~~

1.2 **Recommended Practice.** Notwithstanding the fact that documents for certain purposes may be separately prescribed and required in this annex, public authorities, bearing in mind the interests of those who are required to complete the documents as well as the purposes for which they are to be used, should provide for any two or more such documents **that are to be submitted by the same party** to be combined into one in any case in which this is practicable and in which an appreciable degree of facilitation would result.

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 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. Systems for the electronic exchange of information**

1.3**bis** **Standard.** Public authorities shall take all necessary measures for the establishment of systems for the electronic exchange of information by *[Insert: Date of Adoption + 3 years]*.

1.3**ter** **Standard.** Public authorities, when introducing systems for the electronic exchange of information to assist clearance processes, shall provide shipowners and other parties concerned with the necessary information about the systems requirements and give an adequate period of transition before the use of the systems are made mandatory. A period of no less than 12 months for transition to the mandatory use of the systems shall be provided from the date of the introduction of such systems.

1.3**quart** **Recommended Practice.** Public authorities should, for a transitional period, allow for the submission of required information for clearance processes in both electronic and paper form.

1.3**quin** **Recommended Practice.** Contracting Governments should encourage public authorities to introduce arrangements to enable the submission of 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 Window".

Consideration should also be given to such a Single Window serving as the mechanism through which the public authorities communicate decisions and other information covered by this Convention.

~~1.4 **Standard.** When introducing systems for the electronic exchange of information required by public authorities for the arrival, stay and departure of the ship, persons and cargo to facilitate clearance processes, Contracting Governments shall encourage public authorities and other parties concerned (shipowners, handling companies, seaports, and/or cargo agents, etc.) to exchange data in conformity with the relevant UN standards, including UN Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT) standards, or the XML standards.~~

~~1.5 **Standard.** Public authorities shall accept any of the documents required for clearance processes in paper form, when produced by data processing techniques on plain paper, provided that they are legible, conform to the layout of the documents in the FAL Convention and contain the required information.~~

1.6 **Standard.** Public authorities, when introducing systems for the electronic exchange of information for clearance processes, shall limit the information they require from shipowners and other parties concerned to that required by the FAL Convention.

1.6bis **Standard.** When introducing systems for the electronic exchange of information required by public authorities for the arrival, stay and departure of the ship, persons and cargo to facilitate clearance processes, Contracting Governments shall encourage public authorities and other parties concerned (shipowners, handling companies, seaports, and/or cargo agents, etc.) to exchange data in conformity with the relevant UN Standards, including UN Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT) Standards, or other internationally agreed Standards, such as the XML Standard.

1.6ter **Recommended Practice.** When introducing new electronic message formats, public authorities should continue to allow for the usage of existing electronic message formats in agreement with the parties concerned.

1.7 **Recommended Practice.** When planning for, introducing or modifying systems for the electronic exchange of information for clearance processes, public authorities should:

- (a) afford all interested parties, from the outset, the opportunity for consultation;
- (b) evaluate existing procedures and eliminate those which are unnecessary;
- (c) determine those procedures which are to be computerized;
- (d) use United Nations (UN) Recommendations, WCO Information Packages and relevant ISO Standards to the maximum extent practicable;
- (e) adapt these systems for multimodal applications; and
- (f) take appropriate steps to minimize the cost of implementing these systems to operators and other private parties; and

- (g) give attention to the desirability of obtaining compatibility with other relevant information systems.

1.7.1 **Recommended Practice.** Contracting Governments should encourage public authorities and other parties concerned to cooperate 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 — **Standard.** Public authorities, when introducing systems for the electronic exchange of information to assist clearance processes, shall encourage their use by maritime operators and other parties concerned but shall not reduce levels of service available to operators who do not use such systems.~~

~~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.~~

#### **D. Illicit drug trafficking**

1.9 **Recommended Practice.** Public authorities should seek to establish cooperation arrangements with shipowners and other parties concerned to improve their ability to combat drug smuggling, while providing enhanced facilitation. Such arrangements could be based on the Customs Cooperation Council\* Memoranda of Understanding and the associated guidelines.

1.10 **Standard.** Where, as part of cooperation arrangements, public authorities, shipowners, and other parties concerned are provided access to sensitive commercial and other information, the information shall be treated confidentially.

#### **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; and
- their ability to target smuggling,

thereby facilitating the legitimate circulation of persons and goods.

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\* Since 1994 known as the World Customs Organization.



## Section 2 – Arrival, stay and departure of the ship

This section contains the provisions concerning the formalities required of shipowners by the public authorities on the arrival, stay and departure of the ship and shall not be read so as to preclude a requirement for the presentation for inspection by the appropriate authorities of certificates and other ~~papers-carried~~ documents made available by the ship pertaining to its registry, measurement, safety, manning and other related matters.\*

### A. General

2.1 **Standard.** Public authorities shall not require for their retention, on arrival or departure of ships to which the Convention applies, any documents other than those covered by the present section.

The documents in question are:

- General Declaration
- Cargo Declaration
- Ship's Stores Declaration
- Crew's Effects Declaration
- Crew List
- Passenger List
- Dangerous Goods Manifest
- The document required under the Universal Postal Convention for mail
- Maritime Declaration of Health
- Security-related information as required under SOLAS regulation XI-2/9.2.2
- Advance electronic cargo information for customs risk assessment purposes
- Advanced Notification Form for Waste Delivery to Port Reception Facilities, when communicated to the Organization.

2.1.1 **Standard.** Contracting Governments shall not require consular formalities, charges or fees in connection with documents for the clearance of ships, including the electronic submission of documents.

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

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\* See FAL.2/Circ.123-MEPC.1/Circ.769-MS.C.1/Circ.1409 FAL.2/Circ.127-MEPC.1/Circ.817-MS.C.1/Circ.1462.

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 shorter than the basic rule~~ from this principle where required, e.g. for voyages of short duration.

2.1.3**bis Recommended Practice.** Public authorities should, for the submission of advance electronic cargo information for customs risk assessment purposes, take into account the time limits specified in the WCO SAFE Framework of Standards.

2.1.4 **Recommended Practice.** Public authorities should not require the lodgement of a separate General Declaration, Cargo Declaration, Crew List and Passenger List ~~and Dangerous Goods Manifest~~ if the data elements contained in these documents are included in the pre-arrival ~~or pre-departure~~ information ~~or in the ship's manifest~~.

2.1.5 ~~**Recommended Practice**~~ **Standard.** Public authorities shall:

- ~~a) develop systems for the electronic transmission of data for the lodgement of pre-arrival and pre-departure information; and~~
- ~~b) consider the reuse 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. where such data is required.~~

## **B. Contents and purpose of documents**

2.2 **Standard.** The General Declaration shall be the basic document on arrival and departure providing data required by public authorities relating to the ship.

2.2.1 **Recommended Practice.** The same form of General Declaration should be accepted for both the arrival and the departure of the ship.

2.2.2 **Recommended Practice.** In the General Declaration, public authorities should not require more than the following data:

- name, type and IMO number of ship
- call sign
- flag State of ship
- voyage number
- particulars regarding registry
- particulars regarding tonnage
- name of master
- name and contact details of ship's agent
- brief description of the cargo

- number of crew
- number of passengers
- brief particulars of voyage
- date and time of arrival, ~~or date of~~ / departure
- port of arrival ~~or~~ departure
- ~~position of the ship in the port~~
- the ship's requirements in terms of waste and residue reception facilities
- last port of call/next port of call.

2.2.3 **Standard.** Public authorities shall accept that the General Declaration is either dated and signed by the master, the ship's agent or some other person duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.

2.3 **Standard.** The Cargo Declaration shall be the basic document on arrival and departure providing data required by public authorities relating to the cargo. However, particulars of any dangerous cargo may also be required to be furnished separately.

2.3.1 **Recommended Practice.** In the Cargo Declaration, public authorities should not require more than the following data:

- (a) on arrival
- name and IMO number of ship
  - flag State of ship
  - name of master
  - ~~call sign~~
  - voyage number
  - port of loading
  - port where report is made
  - **freight** container identification, where appropriate; marks and numbers; number and kind of packages; quantity and description of the goods or, if available, the HS Code\*

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\* 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.

- transport document numbers for cargo to be discharged at the port in question
- ports at which cargo remaining on board will be discharged
- original ports of shipment in respect of goods shipped under multimodal transport documents or through bills of lading.

(b) on departure

- name and IMO number of ship
- flag State of ship
- name of master
- ~~call sign~~
- voyage number
- port of discharge
- in respect of goods loaded at the port in question: **freight** container identification, where appropriate; marks and numbers; number and kind of packages; quantity and description of the goods or, if available, the HS Code
- transport document numbers for cargo loaded at the port in question.

2.3.2 **Standard.** In respect of cargo remaining on board, public authorities shall require only brief details of the minimum essential items of information to be furnished.

2.3.3 **Standard.** Public authorities shall accept that the Cargo Declaration is either dated and signed by the master, **the shipowner issuing the transport document**, the ship's agent or some other person duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.

2.3.4 **Standard.** Public authorities shall accept in place of the Cargo Declaration a copy of the ship's manifest provided it contains at least the information required in accordance with Recommended Practice 2.3.1 and Standard 2.3.2 and is signed or authenticated, and dated, in accordance with Standard 2.3.3.

2.3.4.1 **Recommended Practice.** As an alternative to Standard 2.3.4, public authorities may accept a copy of the transport document signed or authenticated in accordance with Standard 2.3.3, or certified as a true copy, if the nature and quantity of cargo make this practicable and provided that any data required and identified in accordance with Recommended Practice 2.3.1 and Standard 2.3.2 which does not appear in such documents is also furnished elsewhere and duly certified.

2.3.5 **Standard.** Public authorities shall allow unmanifested parcels in possession of the master to be omitted from the Cargo Declaration provided that particulars of these parcels are furnished separately.

2.4 **Standard.** The Ship's Stores Declaration shall be the basic document on arrival and departure providing information required by public authorities relating to ship's stores.

2.4.1 **Standard.** Public authorities shall accept that the Ship's Stores Declaration is either dated and signed by the master or by some other ship's officer duly authorized by the master and having personal knowledge of the facts regarding the ship's stores, or authenticated in a manner acceptable to the public authority concerned.

2.5 **Standard.** The Crew's Effects Declaration shall be the basic document providing information required by public authorities relating to crew's effects. It shall not be required on departure.

2.5.1 **Standard.** Public authorities shall accept that the Crew's Effects Declaration is either dated and signed by the master or by some other ship's officer duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned. ~~The public authorities may also require each crew member to place his signature, or, if he or she is unable to do so, his mark, against the declaration relating to his effects.~~ For the purpose of onboard verification, the public authorities may also require each crew member to sign or verify in a manner acceptable to the public authorities the declaration relating to his/her personal effects.

2.5.2 **Recommended Practice.** Public authorities should normally require particulars of only those crew's effects which would not qualify for relief from Customs duties and taxes or which are subject to prohibitions or restrictions.

2.6 **Standard.** The Crew List shall be the basic document required by public authorities containing data relating to the number and composition of the crew on the arrival and departure of a ship.

2.6.1 **Standard.** In the Crew List, public authorities shall not require more than the following data:

- name and IMO number of ship
- flag State of ship
- call sign
- voyage number
- family name
- given names
- nationality
- rank or rating
- gender
- date and place of birth
- nature and number of identity document

- issuing State of identity document
- expiry date of identity document
- port and date of arrival/ departure
- last port of call.

2.6.2 **Standard.** Public authorities shall accept that the Crew List is either dated and signed by the master or by some other ship's officer duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.

2.6.3 *Not in use.*

2.6.4 **Recommended Practice.** In cases where a ship, serving in a scheduled programme, calls again at the same port at least once within 14 days and where minor changes in the crew have taken place, public authorities should not normally require a new, full Crew List to be submitted but should accept the existing Crew List with the changes indicated.

2.7 **Standard.** The Passenger List shall be the basic document required by public authorities containing the data relating to passengers on the arrival and departure of a ship.

2.7.1 *Not in use.*

2.7.2 **Recommended Practice.** Public authorities should not require embarkation or disembarkation cards in addition to Passenger Lists in respect of passengers whose names appear on those Lists. However, where public authorities have special problems constituting a grave danger to public health, a person on an international voyage may on arrival be required to give a destination address in writing.

2.7.3 **Recommended Practice Standard.** In the Passenger List, public authorities ~~should~~ **shall** not require more than the following data:

- name and IMO number of ship
- call sign
- flag State of ship
- voyage number
- family name
- given names
- nationality
- date of birth
- place of birth
- gender
- type of identity or travel document ~~supplied by the passenger~~

- serial number of identity or travel document
- issuing State of identity or travel document
- expiry date of identity or travel document
- port of embarkation
- visa number, if appropriate
- port of disembarkation
- port and date of arrival/departure of the ship
- transit passenger or not.

2.7.4 **Recommended Practice.** A list compiled by the shipowners for their own use should be accepted in place of the Passenger List, provided it contains at least the information required in accordance with **Recommended Practice Standard 2.7.3** and is dated and signed or authenticated in accordance with **Standard 2.7.5**.

2.7.5 **Standard.** Public authorities shall accept that the Passenger List is either dated and signed by the master, the ship's agent or some other person duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.

2.8 **Standard.** The Dangerous Goods Manifest shall be the basic document providing public authorities with the information regarding dangerous goods.

[2.8.1 **Standard.** In the Dangerous Goods Manifest public authorities shall not require more than the following information:

- name of ship
- call sign
- IMO number
- flag State of ship
- master's name
- voyage number
- port of loading
- port of discharge
- shipping agent
- [booking/reference number transport document numbers for dangerous goods to be discharged at the port in question]
- marks and numbers
  - freight container ID No(s).
  - vehicle Reg. No(s).

- number and kind of packages
- proper shipping name
- class
- UN Number
- packing group
- subsidiary risk(s)
- flashpoint (in °C, c.c.)
- marine pollutant
- mass (kg) – gross/net
- EmS
- stowage position on board
- additional information.]

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.

2.10 **Standard.** The Maritime Declaration of Health shall be the basic document containing the data required by port health authorities relating to the state of health on board a ship during the voyage and on arrival at a port.

### **C. Documents on arrival**

2.11 **Standard.** ~~In respect of a ship's arrival in port, public authorities shall not require more than:~~ Until the expiration of the transitional period referred to in Standard 1.3ter, public authorities shall in respect of a ship's arrival in port not require more than:

- 5 copies of the General Declaration
- 4 copies of the Cargo Declaration
- 4 copies of the Ship's Stores Declaration
- copies of the Crew's Effects Declaration
- copies of the Crew List
- copies of the Passenger List
- 1 copy of the Dangerous Goods Manifest
- 1 copy of the Maritime Declaration of Health



- 1 copy of the security-related information as required under SOLAS regulation XI-2/9.2.2
- 1 copy of the Advanced Notification Form for Waste Delivery to Port Reception Facilities when communicated to the Organization.

Upon expiration of the transitional period referred to in Standard 1.3ter, paper copies shall not be required except in case of force majeure where means of electronic transmission are unavailable.

#### **D. Documents on departure**

2.12 **Standard.** ~~In respect of a ship's departure from port, public authorities shall not require more than:~~ Until the expiration of the transitional period referred to in Standard 1.3ter, public authorities shall in respect of a ship's departure from port not require more than :

- 5 copies of the General Declaration
- 4 copies of the Cargo Declaration
- copies of the Ship's Stores Declaration
- copies of the Crew List
- 2 copies of the Passenger List
- 1 copy of the Dangerous Goods Manifest.

Upon expiration of the transitional period, paper copies shall not be required except in case of force majeure where means of electronic transmission are unavailable.

2.12.1 **Standard.** A new Cargo Declaration shall not be required on departure from a port in respect of cargo which has been the subject of a declaration on arrival in that port and which has remained on board.

2.12.2 **Recommended Practice.** A separate Ship's Stores Declaration on departure should not be required in respect of ship's stores which have been the subject of a declaration on arrival, nor in respect of stores shipped in the port and covered by another customs document presented for the purpose in that port.

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/her, and endorsed or authenticated in a manner acceptable to the public authority concerned, 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.

2.13 *Not in use.*<sup>\*</sup>

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<sup>\*</sup> Numbers in the 2.13 series are reserved for future use.

**E. Consecutive calls at two or more ports in the same State**

2.14 **Recommended Practice Standard.** Taking into account the procedures carried out on the arrival of a ship at the first port of call in the territory of a State, shipowners shall only be obligated to submit required information once to the public authorities of a State. The formalities and documents required by the public authorities at any subsequent port of call in that country visited without intermediate call at a port in another country ~~should~~ shall be kept to a minimum.

**F. Completion of documents**

2.15 **Recommended Practice.** Public authorities should as far as possible accept the documents provided for in this annex, except as regards Standard 3.7, irrespective of the language in which the required data is furnished thereon, provided that they may require a written or oral translation into one of the official languages of their country or of the Organization when they deem it necessary.

2.16 **Standard.** If public authorities require documents in paper form they shall accept documents conveyed by any legible and understandable medium, including documents handwritten in ink or indelible pencil or produced by the use of information technology.

2.16.1 **Standard.** Public authorities shall accept a signature, when required, in handwriting, in facsimile, perforated, stamped, in symbols, or made by any other mechanical or electronic means, if such acceptance is not inconsistent with national laws. The authentication of information submitted on non-paper media shall be in a manner that is acceptable to the public authority concerned and which facilitates the electronic submission of the information by the parties concerned irrespective of their residence.

2.17 **Standard.** Public authorities of the country of any intended port of arrival, discharge, or transit shall not require any document relating to the ship, its cargo, stores, passengers or crew, as mentioned in this section, to be legalized, verified, authenticated, or previously dealt with by any of their representatives abroad. This shall not be deemed to preclude a requirement for the presentation of a passport or other identity document of a passenger or crew member for visa or similar purposes.

**G. Errors and amendments in documentation and penalties therefore**

2.18 **Standard.** Public authorities shall, without delaying the ship, allow correction of errors a document provided for in this annex which they are satisfied are inadvertent, not of a serious nature, not due to recurrent carelessness and not made with intent to violate laws or regulations, on the condition that these errors are discovered before the document is fully checked and the corrections can be effected without delay.

2.19 **Standard.** If errors are found in ~~documents provided for in this annex~~ the data transmitted as provided for in appendix 1 of this annex, which have been signed by or on behalf of a shipowner or master, or otherwise authenticated, no penalties shall be imposed until an opportunity has been given to satisfy the public authorities that the errors were inadvertent, not of a serious nature, not due to recurrent carelessness and not made with intent to violate the laws or regulations of the port State.

2.19bis **Standard.** Public authorities shall allow for amendments to information already submitted in accordance with applicable laws and regulations.

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

2.20 **Standard.** Public authorities shall seek the cooperation 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.

2.21 **Standard.** Public authorities shall, ~~by radio whenever possible, but in any case~~ by the fastest channels available, inform the master, before the arrival of the ship, of the documentation and the procedures necessary to put the sick or injured persons ashore expeditiously and to clear the ship without delay.

2.22 **Standard.** With regard to ships calling at ports for this purpose and intending to leave again immediately, public authorities shall give priority in berthing if the state of the sick person or the sea conditions do not allow a safe disembarkation in the roads or harbour approaches.

2.23 **Standard.** With regard to ships calling at ports for this purpose and intending to leave again immediately, public authorities shall not ~~normally~~ require the documents mentioned in Standard 2.1 with the exception of the Maritime Declaration of Health, and, if it is indispensable, the General Declaration. **Public authorities shall in such situations waive the time limits for the submission of the documents.**

2.24 **Standard.** Where public authorities require the General Declaration, this document shall not contain more data than those mentioned in Recommended Practice 2.2.2 and, wherever possible, shall contain less.

2.25 **Standard.** Where the public authorities apply control measures related to the arrival of a ship prior to sick or injured persons being put ashore, emergency medical treatment and measures for the protection of public health shall take precedence over these control measures.

2.26 **Standard.** Where guarantees or undertakings are required in respect of costs of treatment or eventual removal or repatriation of the persons concerned, emergency medical treatment shall not be withheld or delayed while these guarantees or undertakings are being obtained.

2.27 **Standard.** Emergency medical treatment and measures for the protection of public health shall take precedence over any control measures which public authorities may apply to sick or injured persons being put ashore.

### **Section 3 – Arrival and departure of persons**

This section contains the provisions concerning the formalities required by public authorities from crew and passengers on the arrival or departure of a ship.

#### **A. Arrival and departure requirements and procedures**

3.1 **Standard.** A valid passport shall be the basic document providing public authorities with information relating to the individual passenger on arrival or departure of a ship.

3.1.1 **Recommended Practice.** Contracting Governments should as far as possible agree, by bilateral or multilateral agreements, to accept official documents of identity in lieu of passports.

3.2 **Standard.** Public authorities shall make arrangements whereby passports, or official documents of identity accepted in their place, from ship's passengers need be inspected by the immigration authorities only once at the time of arrival and once at the time of departure. In addition, these passports or official documents of identity may be required to be produced for the purpose of verification or identification in connection with customs and other formalities on arrival and departure.

3.3 **Standard.** After individual presentation of passports or official documents of identity accepted in their place, public authorities shall hand back such documents immediately after examination rather than withholding them for the purpose of obtaining additional control, unless there is some obstacle to the admission of a passenger to the territory.

3.3.1 **Standard.** Each Contracting Government shall ensure that the public authorities seize fraudulent, falsified or counterfeit travel documents of inadmissible persons. Such documents shall be removed from circulation and returned to the appropriate authorities when practicable. In place of a seized document, a covering letter\* shall be issued by the removing State and attached to it will be a photocopy of the forged travel documents, if available, as well as any important information. The covering letter and its attachment shall be handed over to the operator responsible for the removal of the inadmissible person. It will serve to give information to the authorities at the transit and/or the original point of embarkation.

3.3.2 **Standard.** Contracting Governments shall accept for examination a person being returned from his/her point of disembarkation after having been found inadmissible if this person had embarked in their territory. Contracting Governments shall not return such a person to the country where he or she was earlier found to be inadmissible.

3.3.3 **Standard.** Before passengers and crew are accepted for examination as to their admissibility into the State, responsibility for their custody and care shall remain with the shipowner.

3.3.4 **Recommended Practice.** After acceptance of passengers and crew for examination, whether conditional or unconditional and if the persons concerned are under the physical control of the public authorities, the public authorities should be responsible for their custody and care until they are admitted for entry or are found to be inadmissible.

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\* A possible format for a covering letter is given in appendix 2.

3.3.5 **Standard.** The obligation of a shipowner to transport any person away from the territory of a State shall terminate from the moment such a person has been definitely admitted into that State.

3.3.6 **Standard.** Where a person is found to be inadmissible, the public authorities shall, without unreasonable delay, inform the shipowner and consult the shipowner regarding the arrangements for removal. The shipowner is responsible for the costs of stay and removal of an inadmissible person and, in the case where the person is transferred back to the custody of the shipowner, the shipowner shall be responsible for effecting his/her prompt removal to:

- the country of embarkation; or
- to any other place where the person is admissible.

3.3.7 **Standard.** Contracting Governments and shipowners shall cooperate, where practicable, to establish the validity and authenticity of passports and visas.

3.4 **Recommended Practice.** Public authorities should not require from embarking or disembarking passengers, or from shipowners on their behalf, any information in writing supplementary to or repeating that already presented in their passports or official documents of identity, other than as necessary to complete any documents provided for in this annex.

3.5 **Recommended Practice.** Public authorities which require written supplementary information, other than as necessary to complete any documents provided for in this annex, from embarking or disembarking passengers should limit requirements for further identification of passengers to the items set forth in Recommended Practice 3.6 (embarkation/disembarkation card). Public authorities should accept the embarkation/disembarkation card when completed by the passenger and should not require that it be completed or checked by the shipowner. Legible handwritten script should be accepted on the card, except where the form specifies block lettering. One copy only of the embarkation/disembarkation card, which may include one or more simultaneously prepared carbon copies, should be required from each passenger.

3.6 **Recommended Practice.** In the embarkation/disembarkation card, public authorities should not require more than the following information:

- family name
- given names
- nationality
- number and expiry date of passport or other official identity document
- date of birth
- place of birth
- occupation
- port of embarkation/disembarkation
- gender
- destination address
- signature.

3.7 **Standard.** In cases where evidence of protection against yellow fever is required from persons on board a ship, public authorities shall accept the International Certificate of Vaccination or Re-Vaccination in the forms provided for in the International Health Regulations.

3.8 **Recommended Practice.** Medical examination of persons on board or of persons disembarking from ships should normally be limited to those persons arriving from an area infected with quarantinable diseases within the incubation period of the disease concerned (as stated in the International Health Regulations). Additional medical examination may, however, be required in accordance with the International Health Regulations.

3.9 **Recommended Practice.** Public authorities should normally perform customs inspections of inbound passengers' accompanied baggage on a sampling or selective basis. Written declarations in respect of passengers' accompanied baggage should be dispensed with as far as possible.

3.9.1 **Recommended Practice.** Public authorities should, wherever possible, waive inspections of accompanied baggage of departing passengers, with due regard to the possible need to impose appropriate security measures preferably by automated means to facilitate review.

3.9.2 **Recommended Practice.** Where inspection of accompanied baggage of departing passengers cannot be waived completely, such inspection should normally be performed on a sampling or selective basis.

3.10 **Standard.** A passport or an identity document issued in accordance with relevant ILO Conventions, or else a valid and duly recognized seafarer's identity document, shall be the basic document providing public authorities with information relating to the individual member of the crew on arrival or departure of a ship.

3.10.1 **Standard.** In the seafarer's identity document, public authorities shall not require more than the following information:

- family name
- given names
- gender
- date and place of birth
- nationality
- physical characteristics
- photograph (authenticated)
- signature
- date of expiry (if any)
- issuing public authority.

3.10.2 **Standard.** When it is necessary for a seafarer to enter or leave a country as a passenger by any means of transportation for the purpose of:

- (a) joining his/her ship or transferring to another ship,
- (b) passing in transit to join his/her ship in another country, or for repatriation, or for any other purpose approved by the authorities of the country concerned, public authorities shall accept from that seafarer in place of a passport the valid seafarer's identity document, when this document guarantees the readmission of the bearer to the country which issued the document.

3.10.3 **Recommended Practice.** Public authorities should not normally require presentation of individual identity documents or of information supplementing the seafarer's identity document in respect of members of the crew other than that given in the Crew List.

**B. Measures to facilitate clearance of passengers, crew and baggage**

3.11 **Recommended Practice.** Public authorities should, with the cooperation of shipowners and port authorities, and/or port administration take appropriate measures to the end that satisfactory port traffic flow arrangements may be provided so that passengers, crew and baggage can be cleared rapidly, should provide adequate personnel, and should ensure that adequate installations are provided, particular attention being paid to baggage loading, unloading and conveyance arrangements (including the use of mechanized systems) and to points where passenger delays are frequently found to occur. Arrangements should be made, when necessary, for passage under shelter between the ship and the point where the passenger and crew check is to be made. Such arrangements and installations should be flexible and capable of expansion to meet increased security measures during higher-threat situations security levels.

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

- (a) in cooperation with shipowners and port authorities, introduce suitable arrangements, such as:
  - (i) an individual and continuous method of processing passengers and baggage;
  - (ii) a system which would permit passengers readily to identify and obtain their checked baggage as soon as it is placed in an area where it may be claimed; and
  - (iii) ensuring that facilities and services are available to meet the needs of elderly and disabled passengers;
- (b) ensure that port authorities take all necessary measures so that:
  - (i) easy and speedy access for passengers and their baggage, to and from local transport, is provided; and
  - (ii) if crews are required to report to premises for governmental purposes, those premises should be readily accessible, and as close to one another as practicable.

3.11.2 **Recommended Practice.** Public authorities should consider, as a means of ensuring prompt clearance, the introduction of the dual-channel system\* for the clearance of passengers, and their baggage and private road vehicles.

3.12 **Standard.** Public authorities shall require that shipowners ensure that ship's personnel take all appropriate measures which will help expedite arrival procedures for passengers and crew. These measures may include:

- (a) furnishing public authorities concerned with an advance message giving the best estimated time of arrival, followed by information as to any change in time, and stating the itinerary of the voyage where this may affect inspection requirements;
- (b) having ship's documents ready for prompt review;
- (c) providing for ladders or other means of boarding to be rigged while the ship is en route to berth or anchorage; and
- (d) providing for prompt, orderly assembling and presentation of persons on board, with necessary documents, for inspection, with attention to arrangements for relieving crew members for this purpose from essential duties in engine-rooms and elsewhere.

3.13 **Recommended Practice.** The practice of entering names on passenger and crew documents should be to put the family name or names first. Where both paternal and maternal family names are used, the paternal family name should be placed first. Where for married women both the husband's and wife's paternal family names are used, the husband's paternal family name should be placed first.

3.14 **Standard.** Public authorities shall, without unreasonable delay, accept persons present on board a ship for examination as to their admissibility into the State.

3.15 **Standard. Recommended Practice.** Public authorities should not impose unreasonable or disproportionate fines upon shipowners, in the event that any control document in possession of a passenger is found by public authorities to be inadequate, or if, for that reason, the passenger is found to be inadmissible to the State.

3.15.1 **Standard.** Public authorities shall encourage shipowners to take precautions at the point of embarkation with a view to ensuring that passengers are in possession of any control documents prescribed by the receiving or transit States.

3.15.2 **Standard.** When a person is found to be inadmissible and is removed from the territory of the State, the shipowner shall not be precluded from recovering, from such a person, any costs arising from his/her inadmissibility.

3.15.3 **Recommended Practice.** For use at marine terminals and on board ships in order to facilitate and expedite international maritime traffic, public authorities should implement or, where the matter does not come within their jurisdiction, recommend responsible parties in their country to implement standardized international signs and symbols developed or accepted by the Organization in cooperation with other appropriate international organizations and which, to the greatest extent practicable, are common to all modes of transport.

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\* Reference is made to Recommended Practice 11 and appendix II of Annex F3 of the Kyoto Convention.



**C. Special facilities for marine transport of elderly and disabled passengers**

3.16 **Recommended Practice.** Measures should be taken to ensure that all necessary information on transport and safety is readily available for passengers who have impaired hearing or vision.

3.17 **Recommended Practice.** For elderly and disabled passengers being set down or picked up at a terminal building, reserved points should be located as close as possible to main entrances. These should be clearly marked with appropriate signs. Access routes should be free of obstacles.

3.18 **Recommended Practice.** Where access to public services is limited, every effort should be made to provide accessible and reasonably priced public transportation services by adapting current and planned services or by providing special arrangements for passengers who have impaired mobility.

3.19 **Recommended Practice.** Provisions of suitable facilities should be made in terminals and on ships, as appropriate, to allow safe embarkation and disembarkation for elderly and disabled passengers.

**D. Facilitation for ships engaged on cruises and for cruise passengers**

3.20 **Standard.** Public authorities shall authorize granting of pratique by ~~radio~~ **electronic means** to a cruise ship when, on the basis of information received from it prior to its arrival, the health authority for the intended port of arrival is of the opinion that its arrival will not result in the introduction or spread of a quarantinable disease.

3.21 **Recommended Practice.** For cruise ships, the General Declaration, the Passenger List and the Crew List should be required only at the first port of arrival and final port of departure in a country, provided that there has been no change in the circumstances of the voyage.

3.22 **Standard.** For cruise ships, the Ship's Stores Declaration and the Crew's Effects Declaration shall be required only at the first port of arrival in a country.

3.23 **Standard.** Passports or other official documents of identity shall at all times remain in the possession of cruise passengers.

3.24 **Recommended Practice.** If a cruise ship stays at a **any** port **within the Contracting Government's territory** for less than 72 hours, it should not be necessary for cruise passengers to have visas, except in special circumstances determined by the public authorities concerned.

3.25 **Standard.** Cruise passengers shall not be unduly delayed by the control measures exercised by public authorities.

3.26 **Standard.** In general, except for security purposes and for the purposes of establishing identity and admissibility, cruise passengers shall not be subject to personal examination by public authorities responsible for immigration control.

3.27 **Standard.** If a cruise ship calls consecutively at more than one port in the same country, passengers shall, in general, be examined by public authorities at the first port of arrival and at the final port of departure only.

3.28 **Recommended Practice.** To facilitate their prompt disembarkation, the inward control of passengers on a cruise ship, where practicable, should be carried out on board before arrival at the place of disembarkation.

3.29 **Recommended Practice.** Cruise passengers who disembark at one port and rejoin the same ship at another port in the same country should enjoy the same facilities as passengers who disembark and rejoin a cruise ship at the same port.

3.30 **Recommended Practice.** The Maritime Declaration of Health should be the only health control necessary for cruise passengers.

3.31 **Standard.** Duty-free ship's stores shall be allowed aboard ship for cruise passengers during the ship's stay in port.

3.32 **Standard.** Cruise passengers shall not normally be required to provide a written declaration for their personal effects. However, in the case of articles which involve a high amount of customs duties and other taxes and charges, a written declaration and a security may be required.

3.33 **Recommended Practice.** Cruise passengers should not be subject to any currency control.

3.34 **Standard.** Embarkation/disembarkation cards shall not be necessary for cruise passengers.

3.35 *Not in use.*

#### **E. Special measures of facilitation for passengers in transit**

3.36 **Standard.** A passenger in transit who remains on board the ship on which he or she arrived and departs with it shall not normally be subjected to routine control by public authorities except for security purposes or in extraordinary circumstances determined by the public authorities concerned.

3.37 **Recommended Practice.** A passenger in transit should be allowed to retain his/her passport or other identity document.

3.38 **Recommended Practice.** A passenger in transit who remains on board the ship on which he or she arrived and departs with it should not be required to complete a disembarkation/ embarkation card.

3.39 **Recommended Practice.** A passenger in transit who is continuing his/her journey from the same port in the same ship should normally be granted temporary permission to go ashore during the ship's stay in port if he/she so wishes subject to the public authorities' admissibility and visa requirements.

3.40 **Recommended Practice.** A passenger in transit who is continuing his/her journey from the same port in the same ship should not be required to have a visa, except in special circumstances determined by the public authorities concerned.

3.41 **Recommended Practice.** A passenger in transit who is continuing his/her journey from the same port in the same ship should not normally be required to give a written customs Declaration.

3.42 **Recommended Practice.** A passenger in transit who leaves the ship at one port and embarks in the same ship at a different port in the same country should enjoy the same facilities as a passenger who arrives and departs in the same ship at the same port.

**F. Measures of facilitation for ships engaged in scientific services**

3.43 **Recommended Practice.** A ship engaged in scientific services carries personnel who are necessarily engaged on the ship for such scientific purposes of the voyage. If so identified, such personnel should be granted facilities at least as favourable as those granted to the crew members of that ship.

**G. Further measures of facilitation for foreigners belonging to the crews of ships engaged in international voyages – shore leave**

3.44 **Standard.** Foreign ~~e~~ Crew members shall be allowed ashore by the public authorities while the ship on which they arrive is in port, provided that the formalities on arrival of the ship have been fulfilled and the public authorities have no reason to refuse permission to come ashore for reasons of public health, public safety or public order. Shore leave shall be allowed in a manner which excludes discrimination such as on the grounds of nationality, race, colour, sex, religion, political opinion, or social origin and irrespective of the flag State of the ship on which they are employed, engaged or work.

3.44bis **Standard.** In any case where permission for shore leave has been refused, the relevant public authorities shall communicate their reasons for shore leave denial to the seafarer concerned and the master. If requested by the seafarer concerned or the master, such reasons shall be provided in writing.

3.45 **Standard.** Crew members shall not be required to hold a visa for the purpose of shore leave.

3.46 **Recommended Practice.** Crew members, before going on or returning from shore leave, should not normally be subjected to personal checks.

3.47 **Standard.** Crew members shall not be required to have a special permit, e.g. a shore leave pass, for the purpose of shore leave.

3.48 **Recommended Practice.** If crew members are required to carry documents of identity with them when they are on shore leave, these documents should be limited to those mentioned in Standard 3.10.

3.49 **Recommended Practice.** Public authorities should provide a system of pre-arrival clearance to allow the crew of ships which call regularly at their ports to obtain advance approval for temporary shore leave. Where a ship has no adverse immigration record and is locally represented by a shipowner or a reputable agent of the shipowner, the public authorities should normally, after satisfactory consideration of such pre-arrival particulars as they may require, permit the ship to proceed directly to its berth and be subject to no further routine immigration formalities, unless otherwise required by the public authorities.

## Section 4 – Stowaways

### A. General Principles

4.1 **Standard.** The provisions in this section shall be applied in accordance with international protection principles as set out in international instruments, such as the UN Convention relating to the Status of Refugees of 28 July 1951 and the UN Protocol relating to the Status of Refugees of 31 January 1967, and relevant national legislation.\*

4.2 **Standard.** Public authorities, port authorities, shipowners and their representatives and ~~shipmasters~~ ~~masters~~ shall cooperate to the fullest extent possible in order to prevent stowaway incidents and to resolve stowaway cases expeditiously and secure that an early return or repatriation of the stowaway will take place. All appropriate measures shall be taken in order to avoid situations where stowaways must stay on board ships ~~indefinitely~~ for an unreasonable amount of time.

### B. Preventive measures

#### 4.3 Ship/Port preventive measures

##### 4.3.1 Port/terminal authorities

4.3.1.1 **Standard.** Contracting Governments shall ensure that the necessary infrastructure, and operational and security arrangements for the purpose of preventing persons attempting to stowaway on board ships from gaining access to port installations and to ships, are established in all their ports, taking into consideration when developing these arrangements the size of the port, and what type of cargo is shipped from the port. This should be done in close cooperation with relevant public authorities, shipowners and shore-side entities, with the aim of preventing stowaway occurrences in the individual port.

4.3.1.2 **Recommended Practice.** Operational arrangements and/or port facility security plans should, at least be equivalent to those contained in relevant text of section B/16 of the ISPS Code. ~~inter alia, address the following issues where appropriate:~~

- ~~(a) — regular patrolling of port areas;~~
- ~~(b) — establishment of special storage facilities for cargo subject to high risk of access of stowaways, and continuous monitoring of both persons and cargo entering these areas;~~
- ~~(c) — inspection of warehouses and cargo storage areas;~~
- ~~(d) — search of cargo itself, when presence of stowaways is clearly indicated;~~
- ~~(e) — cooperation between public authorities, shipowners, masters and relevant shoreside entities in developing operational arrangements;~~
- ~~(f) — cooperation between port authorities and other relevant authorities (e.g. police, customs, immigration) in order to prevent smuggling of humans;~~
- ~~(g) — developing and implementing agreements with stevedores and other shoreside entities operating in national ports to ensure that only personnel~~

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\* In addition, public authorities may wish to consider the non-binding conclusion of the UNHCR Executive Committee on Stowaway Asylum-Seekers (1988, No. 53 (XXXIX)).

~~authorized by these entities participate in the stowing/unstowing or loading/unloading of ships or other functions related to the ships stay in port;~~

- ~~(h) developing and implementing agreements with stevedores and other shoreside entities to ensure that their personnel having access to the ship is easily identifiable, and a list of names of persons likely to need to board the ship in the course of their duties is provided; and~~
- ~~(i) encouragement of stevedores and other persons working in the port area to report to the port authorities, the presence of any persons apparently not authorized to be in the port area.~~

### **4.3.2 Shipowner/Shipmaster Master**

4.3.2.1 **Standard.** Contracting Governments shall require that shipowners, ~~and their representatives in the port,~~ the masters as well as other responsible persons have security arrangements in place which, as far as practicable, will prevent intending stowaways from getting aboard the ship, and, if this fails, as far as practicable, will detect them before the ship leaves port.

4.3.2.2 **Recommended Practice.** When calling at ports and during stay in ports, where there is risk of stowaway embarkation, ~~security~~ **operational** arrangements **and/or ship security plans** should at least contain the following preventive measures: **be equivalent to those contained in the relevant text of paragraph B/9 of the ISPS Code.**

~~all doors, hatches and means of access to holds or stores, which are not used during the ships stay in port should be locked;~~

~~access points to the ship should be kept to a minimum and be adequately secured;~~

~~the ships stay in port should be locked;~~

~~access points to the ship should be kept to a minimum and be adequately secured;~~

~~areas seaward of the ship should be adequately secured;~~

~~adequate deck watch should be kept;~~

~~boardings and disembarkations should, where possible, be tallied by the ships crew or, after agreement with the shipmaster, by others;~~

~~adequate means of communication should be maintained; and~~

~~at night, adequate lighting should be maintained both inside and along the hull.~~

4.3.2.3 **Standard.** Contracting Governments shall require that ships entitled to fly their flag, except passenger ships, when departing from a port, where there is risk of stowaway embarkation, have undergone a thorough search in accordance with a **specific plan or schedule**, and with priorities given to places where stowaways might hide **taking into account the specific ship type and its operations**. Search methods, which are likely to harm secreted stowaways shall not be used.

4.3.2.4 **Standard.** Contracting Governments shall require that fumigation or sealing of ships entitled to fly their flag may not be carried out until a search which is as thorough as **possible practicable** of the areas to be fumigated or sealed has taken place in order to ensure that no stowaways are present in those areas.

### 4.3.3 National Sanctions

4.3.3.1 **Standard.** Where appropriate, Contracting Governments shall, ~~according to~~ incorporate into their national legislation, ~~prosecute stowaways~~ legal grounds to allow prosecution of stowaways, attempted stowaways and ~~persons aiding stowaways in gaining access to ships~~ any individual or company aiding a stowaway or an attempted stowaway with the intention to facilitate access to the port area, any ship, cargo or freight containers.

### C. *Treatment of the stowaway while on board*

#### 4.4 General principles – Humane treatment

4.4.1 **Standard.** Stowaway incidents shall be dealt with consistent with humanitarian principles, including those mentioned in Standard 4.1. Due consideration must always be given to the operational safety of the ship and the safety and wellbeing of the stowaway.

4.4.2 **Standard.** Contracting Governments shall require that ~~shipmasters~~ masters operating ships entitled to fly their flag, take appropriate measures to ensure the security, general health, welfare and safety of the stowaway while he/she is on board, including providing him/her with adequate provisioning, accommodation, proper medical attention and sanitary facilities.

#### 4.5 Work on board

4.5.1 **Standard.** Stowaways shall not be ~~required~~ permitted to work on board the ship, except in emergency situations or in relation to the stowaway's accommodation and provisioning on board.

#### 4.6 Questioning and notification by the ~~shipmaster~~ master

4.6.1 **Standard.** Contracting Governments shall require ~~shipmasters~~ masters to take practicable steps ~~make every effort~~ to establish the identity, including nationality/citizenship of the stowaway and the port of embarkation of the stowaway, and to notify the existence of the stowaway along with relevant details to the public authorities of the first planned port of call. This information shall also be provided to the shipowner, public authorities at the port of embarkation, the flag State and, if necessary, any subsequent ports of call if relevant.

4.6.2 **Recommended Practice.** When gathering relevant details for notification the ~~shipmasters~~ masters should use the form as specified in appendix 3.

4.6.3 **Standard.** Contracting Governments shall instruct ~~shipmasters~~ masters operating ships entitled to fly their flag that when a stowaway declares himself/herself to be a refugee, this information shall be treated as confidential to the extent necessary for the security of the stowaway.

#### 4.7 Notification ~~of~~ to the International Maritime Organization

4.7.1 ~~Recommended Practice~~ **Standard.** Public authorities shall ~~should~~ report all stowaway incidents of which they become aware to the Secretary-General of the International Maritime Organization.

### D. *Deviation from the planned route*

4.8 **Standard.** Public authorities shall urge all shipowners operating ships entitled to fly their flag to instruct their masters not to deviate from the planned voyage to seek the

disembarkation of stowaways discovered on board the ship after it has left the territorial waters of the country where the stowaways embarked, unless:

- permission to disembark the stowaway has been granted by the public authorities of the State to whose port the ship deviates; or
- repatriation has been arranged elsewhere with sufficient documentation and permission for disembarkation; or
- there are extenuating safety, security, health or compassionate reasons; or attempts to disembark in other ports on the planned voyage have failed and deviation is necessary in order to avoid that the stowaway remain on board for a significant period of time.

#### ***E. Disembarkation and return of a stowaway***

#### **4.9 The State of the first port of call according to the voyage plan**

4.9.1 **Standard.** Public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall decide in accordance with national legislation whether the stowaway is admissible to that State and will do their utmost to cooperate with the parties involved in resolving the issue.

4.9.2 **Standard.** Public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall allow disembarkation of the stowaway, when the stowaway is in possession of valid travel documents for return, and the public authorities are satisfied that timely arrangements have been or will be made for repatriation and all the requisites for transit fulfilled.

4.9.3 **Standard.** ~~Where appropriate and in accordance with national legislation, public~~ Public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall allow disembarkation of the stowaway when the public authorities are satisfied that they or the shipowner will obtain valid travel documents, make timely arrangements for repatriation of the stowaway, and fulfil all the requisites for transit. Public authorities shall, further, favourably consider allowing disembarkation of the stowaway, when it is impracticable to remove the stowaway on the ship of arrival for the stowaway to remain on the ship or other factors exist which would preclude removal the stowaway remaining on the ship. Such factors may include, but are not limited to when:

- a case is unresolved at the time of sailing of the ship; or
- the presence on board of the stowaway would endanger the safe operation of the ship, the health of the crew or the stowaway.

#### **4.10 Subsequent ports of call**

4.10.1 **Standard.** When disembarkation of a stowaway has failed in the first scheduled port of call after discovery of the stowaway, public authorities of the subsequent ports of call shall examine the stowaway as for disembarkation in accordance with Standards 4.9.1, 4.9.2 and 4.9.3.

#### **4.11 State of Nationality or Right of Residence**

4.11.1 **Standard.** Public authorities shall in accordance with international law accept the return of stowaways with full nationality/citizenship status or accept the return of stowaways who in accordance with their national legislation have a right of residence in their State.

4.11.2 **Standard.** Public authorities shall, when possible, assist in determining the identity and nationality/citizenship of stowaways claiming to be a national or having a right of residence in their State. Where possible, the local embassy, consulate or other diplomatic representation of the country of the stowaway's nationality will be required to assist in verifying the stowaway's nationality and providing emergency travel documentation.

#### **4.12 State of Embarkation**

4.12.1 **Standard.** When it has been established to their satisfaction that stowaways have embarked a ship in a port in their State, public authorities shall accept for examination such stowaways being returned from their point of disembarkation after having been found inadmissible there. The public authorities of the State of embarkation shall not return such stowaways to the country where they were earlier found to be inadmissible.

4.12.2 **Standard.** When it has been established to their satisfaction that attempted stowaways have embarked a ship in a port in their State, public authorities shall accept disembarkation of attempted stowaways, and of stowaways found on board the ship while it is still in their territorial waters or if applicable according to the national legislation of that State in the area of immigration jurisdiction of that State. No penalty or charge in respect of detention or removal costs shall be imposed on the shipowner.

4.12.3 **Standard.** When an attempted stowaway has not been disembarked at the port of embarkation he/she is to be treated as a stowaway in accordance with the regulation of this section.

#### **4.13 The flag State**

4.13.1 **Standard.** The public authorities of the flag State of the ship shall assist and cooperate with the master/shipowner or the appropriate public authority at ports of call in:

- identifying the stowaway and determining his/her nationality;
- making representations to the relevant public authority to assist in the removal of the stowaway from the ship at the first available opportunity; and
- making arrangements for the removal or repatriation of the stowaway.

#### **4.14 Return of stowaways**

4.14.1 **Recommended Practice.** When a stowaway has inadequate documents, public authorities should, whenever practicable and to an extent compatible with national legislation and security requirements, issue a covering letter with a photograph of the stowaway and any other important information, or alternatively, a suitable travel document accepted by the public authorities involved. The covering letter, authorizing the return of the stowaway either to his/her country of origin or to the point where the stowaway commenced his/her journey, as appropriate, by any means of transportation and specifying any other conditions imposed by the authorities, should be handed over to the operator affecting the removal of the stowaway. This letter will include information required by the authorities at transit points and/or the point of disembarkation.



4.14.2 **Recommended Practice.** Public authorities in the State where the stowaway has disembarked should contact the relevant public authorities at transit points during the return of a stowaway, in order to inform them of the status of the stowaway. In addition public authorities in countries of transit during the return of any stowaway should allow, subject to normal visa requirements and national security concerns, the transit through their ports and airports of stowaways travelling under the removal instructions or directions of public authorities of the country of the port of disembarkation.

4.14.3 **Recommended Practice.** When a port State has refused disembarkation of a stowaway that State should, without undue delay, notify the flag State of the ship carrying the stowaway of the reasons for refusing disembarkation.

#### 4.15 **Cost of return and maintenance of stowaways**

4.15.1 **Recommended Practice.** The public authorities of the State where a stowaway has been disembarked should generally inform the shipowner, on whose ship the stowaway was found, ~~or his representative,~~ as far as practicable, of the level of cost of detention and return and any additional costs for the documentation of the stowaway, if the shipowner is to cover these costs. In addition, public authorities should cooperate with the shipowner to keep such costs to a minimum as far as practicable and according to national legislation, if they are to be covered by the shipowner.

4.15.2 **Recommended Practice.** The period during which shipowners are held liable to defray costs of maintenance of a stowaway by public authorities in the State where the stowaway has been disembarked should be kept to a minimum.

4.15.3 **Standard.** Public authorities shall, according to national legislation, consider mitigation of penalties against ships where the master of the ship has properly declared the existence of a stowaway to the appropriate authorities in the port of arrival, and has shown that all reasonable preventive measures had been taken to prevent stowaways gaining access to the ship.

4.15.4 **Recommended Practice.** Public authorities should, according to national legislation, consider mitigation of other charges that might otherwise be applicable, when shipowners have cooperated with the control authorities to the satisfaction of those authorities in measures designed to prevent the transportation of stowaways.

### **Section 5 – Arrival, stay and departure of cargo and other articles**

This section contains the provisions concerning the formalities required by public authorities from the shipowner, his/~~her~~ agent or the master of the ship.

#### **A. General**

5.1 **Recommended Practice.** Public authorities should, with the cooperation of shipowners, ~~and port authorities,~~ and port facilities and terminals, take appropriate measures to ~~the end~~ ensure that port time may be kept to a minimum, should provide satisfactory port traffic flow arrangements, and should frequently review all procedures in connection with the arrival and departure of ships, including arrangements for embarkation and disembarkation, loading and unloading, servicing and the like and the security measures associated therewith. They should also make arrangements whereby cargo ships and their loads can be entered and cleared, in so far as may be practicable, at the ship working area.

5.2 **Recommended Practice.** Public authorities should, with the cooperation of shipowners, and port authorities, and port facilities and terminals, take appropriate measures to the end ensure that satisfactory port traffic flow arrangements are provided so that handling and clearance procedures for cargo will be smooth and uncomplicated. These arrangements should cover all phases from the time the ship arrives at the dock for unloading and public authority clearance and for free zones, storage facilities, warehousing and onward movement re-forwarding of cargo if required. There should be convenient and direct access between the free zone, storage facilities and cargo warehouse and the public authority clearance area, which should be located close to the dock area, and mechanical conveyance should be available, where possible with, whenever possible, easy access and transfer capabilities and infrastructure.

5.3 **Recommended Practice.** Public authorities should encourage owners and/or operators of marine cargo terminals to equip them with storage facilities for special cargo (e.g. valuable goods, perishable shipments, human remains, radioactive and other dangerous goods, as well as live animals), as appropriate; those areas of marine cargo terminals in which general and special cargo and postal items are stored prior to shipment by sea or importation should implement be protected against access control measures at least equivalent to those contained in the relevant text of paragraph B/16 of the ISPS Code by unauthorized persons at all times.

5.3bis **Recommended Practice.** Public authorities should require only a minimum of data necessary for the identification of the cargo that is to be placed in storage prior to release or re-export or importation, and should, whenever available, use the information contained in the pre-arrival declaration for this purpose.

5.4 **Standard.** A Contracting Government which continues to require export, import and transshipment licences or permits for certain types of goods shall establish simple procedures whereby such licences or permits can be obtained and renewed rapidly.

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 inspections are carried out simultaneously at one place and with a minimum of delay and, whenever possible, carried out upon prior coordination with the party having custody of the consignment.

5.6 **Recommended Practice.** Public authorities should provide simplified procedures for the prompt clearance of private gift packages and trade samples not exceeding a certain value or quantity which should be set at as high a level as possible.

## **B. Clearance of cargo**

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.

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.

5.8 **Recommended Practice.** Contracting Governments should facilitate the temporary admission of specialized cargo-handling equipment arriving by ships and used on shore at ports of call for loading, unloading and handling cargo.

5.9 ~~Not in use~~ ~~Reserved.~~

5.10 **Recommended Practice.** Public authorities should provide procedures for the clearance of cargo based on the relevant provisions of and associated *guidelines to the International Convention on the simplification and harmonization of Customs procedures – the revised Kyoto Convention*.

5.10.1 **Recommended Practice.** Public authorities should ~~consider the introduction of~~ ~~introduce~~ 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; and
- (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.

5.11 **Standard.** Public authorities shall limit physical interventions to the minimum necessary to ensure compliance with ~~the~~ ~~applicable~~ law.

5.12 **Recommended Practice.** ~~In so far as resources allow, p~~Public authorities should, on the basis of a valid request, conduct physical examinations of cargo, where necessary, at the point where it is loaded into its means of transport and while loading is in progress, either at the dockside or, in the case of unitized cargo, at the place where the ~~freight~~ container is ~~packed~~ ~~loaded~~ and sealed.

5.13 **Standard.** Public authorities shall ensure that requirements for collection of statistics do not significantly reduce the efficiency of maritime trade.

5.14 **Recommended Practice.** Public authorities should use systems for the electronic exchange of information for the purposes of obtaining information in order to accelerate and simplify ~~storage,~~ clearance ~~and re-export~~ processes.

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

### **C. *Freight containers and pallets***

5.15 **Standard.** Public authorities shall, ~~in conformity~~ ~~subject to compliance~~ with their respective regulations, permit the temporary admission of ~~freight containers,~~ ~~and pallets~~ ~~and freight container equipment and accessories that are affixed to the container or are being transported separately~~ without payment of customs duties and other taxes and charges and shall facilitate their use in maritime traffic.

5.16 **Recommended Practice.** Public authorities should provide in their regulations, referred to in Standard 5.15, for the acceptance of a simple declaration to the effect that ~~freight containers,~~ ~~and pallets~~ ~~and freight~~ ~~container equipment and accessories~~ temporarily

imported will be re-exported within the time-limit set by the State concerned. Such declaration may take the form of an oral declaration or any other act acceptable to the authorities.

5.17 **Standard.** Public authorities shall permit freight containers, and pallets and freight container equipment and accessories entering the territory of a State under the provisions of Standard 5.15 to depart the limits of the port of arrival for clearance of imported cargo and/or loading of export cargo under simplified control procedures and with a minimum of documentation.

5.18 **Standard.** Contracting Governments shall permit the temporary admission of component parts of freight containers without payment of customs duties and other taxes and charges when these parts are needed for the repair of freight containers already admitted under the terms of Standard 5.15.

**D. Cargo not discharged at the port of intended destination**

5.19 **Standard.** Where any cargo listed on the Cargo Declaration is not discharged at the port of intended destination, public authorities shall permit amendment of the Cargo Declaration and shall not impose penalties if satisfied that the cargo was not in fact loaded on the ship, or, if loaded, was landed at another port.

5.20 **Standard.** When, by error or for another valid reason, any cargo is discharged at a port other than the port of intended destination, public authorities shall facilitate reloading or onward movement re-forwarding to its intended destination. This provision does not apply to dangerous, prohibited or restricted cargo.

**E. Limitation of shipowner's responsibilities**

5.21 **Standard.** Public authorities shall not require a shipowner to place special information for use of such authorities on a transport document or a copy thereof, unless the shipowner is, or is acting for, the importer or exporter.

5.22 **Standard.** Public authorities shall not hold the shipowner responsible for the presentation or accuracy of documents which are required of the importer or exporter in connection with the clearance of cargo, unless the shipowner is, or is acting for, the importer or exporter.

5.23 **Standard.** The shipowner shall be obliged to provide the information regarding the entry or exit of goods known to the shipowner at the time of lodging such data and as set out in the transport document that evidences the bill of lading. Thus, the shipowner can base the lodgement on data provided by the shipper customer, unless the shipowner has reason to believe that the data provided is untrue.

5.24 **Recommended Practice.** Public authorities should implement regulations pursuant to which the person, who initiates and contractually agrees with a party (e.g. a consolidator, a freight forwarder or a shipowner) for the carriage of a maritime cargo shipment to the territory of another State, must provide complete and accurate cargo shipment information to that party.

## Section 6 – Public health and quarantine, including sanitary measures for animals and plants

6.1 **Standard.** Public authorities of a State not Party to the International Health Regulations shall endeavour to apply the relevant provisions for these Regulations to international shipping.

6.2 **Recommended Practice.** Contracting Governments having certain interests in common owing to their health, geographical, social or economic conditions should conclude special arrangements pursuant to article 85 of the International Health Regulations when such arrangements will facilitate the application of those Regulations.

6.3 **Recommended Practice.** Where Sanitary Certificates or similar documents are required in respect of shipments of certain animals, plants or products thereof, such certificates and documents should be simple and widely publicized and Contracting Governments should cooperate with a view to standardizing such requirements.

6.4 **Recommended Practice.** Public authorities should ~~whenever practicable~~ authorize granting of pratique ~~by radio~~ **by electronic means** to a ship when, on the basis of information received from it prior to its arrival, the health authority for the intended port of arrival is of the opinion that its arrival will not result in the introduction or spread of a quarantinable disease. Health authorities should as far as practicable be allowed to join a ship prior to entry of the ship into port.

6.4.1 **Standard.** Public authorities shall seek the cooperation of shipowners to ensure compliance with any requirement that illness on a ship is to be reported promptly by ~~radio~~ **electronic means** to health authorities for the port for which the ship is destined, in order to facilitate provision for the presence of any special medical personnel and equipment necessary for health procedures on arrival.

6.5 **Standard.** Public authorities shall make arrangements to enable all travel agencies and others concerned to make available to passengers, sufficiently in advance of departure, lists of the vaccinations required by the public authorities of the countries concerned, as well as vaccination certificate forms conforming to the International Health Regulations. Public authorities shall take all possible measures to have vaccinators use the International Certificates of Vaccination or Re-Vaccination, in order to assure uniform acceptance.

6.6 **Recommended Practice.** Public authorities should provide facilities for the completion of International Certificates of Vaccination or Re-Vaccination as well as facilities for vaccination at as many ports as feasible.

6.7 **Standard.** Public authorities shall ensure that sanitary measures and health formalities are initiated forthwith, completed without delay, and applied without discrimination.

6.8 **Recommended Practice.** **To ensure, inter alia, efficient maritime traffic,** Public authorities should maintain, at as many ports as feasible, adequate facilities for the administration of public health, animal and agricultural quarantine measures.

6.9 **Standard.** There shall be maintained readily available at as many ports in a State as feasible such medical facilities as may be reasonable and practicable for the emergency treatment of crews and passengers.

6.10 **Standard.** Except in the case of an emergency constituting a grave danger to public health, a ship which is not infected or suspected of being infected with a quarantinable disease shall not, on account of any other epidemic disease, be prevented by the health authorities for a port from discharging or loading cargo or stores or taking on fuel or water.

6.11 **Recommended Practice.** Shipments of animals, animal raw materials, crude animal products, animal foodstuffs and quarantinable plant products should be permitted in specified circumstances ~~when accompanied by a quarantine certificate in the form agreed by the States concerned~~ and when the certification requirements have been met at the time of discharge.

## Section 7 – Miscellaneous provisions

### A. *Bonds and other forms of security*

7.1 **Recommended Practice.** Where public authorities require bonds or other forms of security from shipowners to cover liabilities under the customs, immigration, public health, agricultural quarantine or similar laws and regulations of a State, they should permit the use of a single comprehensive bond or other form of security wherever possible.

### B. *Services at ports*

7.2 **Recommended Practice.** The normal services of public authorities at a port should be provided without charge during normal working hours. Public authorities should establish normal working hours for their services at ports consistent with the usual periods of substantial workload.

7.3 **Standard.** Contracting Governments shall adopt all practicable measures to organize the normal services of public authorities at ports in order to avoid unnecessary delay of ships after their arrival or when ready to depart and reduce the time for completion of formalities to a minimum, provided that sufficient notice of estimated time of arrival or departure shall be given to the public authorities.

7.4 **Standard.** No charge shall be made by a health authority for any medical examination, or any supplementary examination, whether bacteriological or otherwise, carried out at any time of the day or night, if such examination is required to ascertain the health of the person examined, nor for visit to and inspection of a ship for quarantine purposes except inspection of a ship for the issue of a ~~De-rating or De-rating exemption Certificate~~ Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate, nor shall a charge be made for any vaccination of a person arriving by ship nor for a certificate thereof. However, where measures other than these are necessary in respect of a ship or its passengers or crew and charges are made for them by a health authority, such charges shall be made in accordance with a single tariff which shall be uniform to the territory concerned and they shall be levied without distinction as to the nationality, domicile or residence of any person concerned or as to the nationality, flag, registry or ownership of the ship.

7.5 **Recommended Practice.** When the services of public authorities are provided outside the regular working hours referred to in Recommended Practice 7.2, they should be provided on terms which shall be moderate and not exceed the actual cost of the services rendered.

7.6 **Standard.** Where the volume of traffic at a port warrants, public authorities shall ensure that services are provided for the accomplishment of the formalities in respect of cargo and baggage, regardless of value or type.

7.7 **Recommended Practice.** Contracting Governments should endeavour to make arrangements whereby one Government will permit another Government certain facilities before or during the voyage to examine ships, passengers, crew, baggage, cargo and documentation for customs, immigration, public health, plant and animal quarantine purposes when such action will facilitate clearance upon arrival in the latter State.

**C. Emergency assistance**

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.

7.9 **Standard.** Public authorities shall, to the greatest extent possible, facilitate the entry and clearance of persons, cargo, material and equipment required to deal with situations described in Standard 7.8.

7.10 **Standard.** Public authorities shall grant prompt customs clearance of specialized equipment needed to implement security measures.

**D. National facilitation Committees**

7.11 **Recommended Practice.** Each Contracting Government should, ~~where it considers such action necessary and appropriate~~ establishing, in close cooperation with the maritime industry, a national maritime transport facilitation programme based on the facilitation requirements of this annex and ensure that the objective of its facilitation programme should be to adopt all practical measures to facilitate the movement of ships, cargo, crews, passengers, mail and stores, by removing unnecessary obstacles and delays.

7.12 **Recommended Practice.** Each Contracting Government should establish a national maritime transport facilitation Committee or a similar national coordinating body, for the encouragement of the adoption and implementation of facilitation measures, between governmental departments, agencies and other organizations concerned with, or responsible for, various aspects of international maritime traffic, as well as port authorities, port facilities and terminals and shipowners.

APPENDIX 1

**GENERAL DECLARATION**  
(IMO FAL Form 1)

		<input type="checkbox"/> Arrival	<input type="checkbox"/> Departure
1.1 Name and type of ship		1.2 IMO number	
1.3 Call sign		1.4 Voyage number	
2. Port of arrival/departure		3. Date and 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. <del>Position of the ship in the port (berth or station)</del>			
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	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 (only on arrival)	23. Maritime Declaration of Health (only on arrival)		
24. Date and signature by master, authorized agent or officer			

For official use



**CARGO DECLARATION**  
(IMO FAL Form 2)

		<input type="checkbox"/>	Arrival	<input type="checkbox"/>	Departure	Page Number
1.1 Name of ship		1.2 IMO number				
1.3 <del>Call sign</del>		1.3 Voyage number				
2. Port where report is made		3. Flag State of ship				
4. Name of master		5. Port of loading/Port of discharge				
B/L No.*	6. Marks and Numbers	7. Number and kind of packages; description of goods, or, if available, the HS Code			8. Gross weight	9. Measurement
10. Date and signature by master, authorized agent or officer						

\* Transport document number. Also state original ports of shipment in respect to goods shipped on multimodal transport document or through bills of lading.

**SHIP'S STORES DECLARATION**  
(IMO FAL Form 3)

		<input type="checkbox"/> Arrival			<input type="checkbox"/> Departure	Page Number
1.1 Name of ship			1.2 IMO number			
1.3 Call sign			1.4 Voyage number			
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. Name of article	9. Quantity	10. Location on board	11. Official use			
12. Date and signature by master, authorized agent or officer						

**CREW'S EFFECTS DECLARATION**  
(IMO FAL Form 4)

Page Number

1.1 Name of ship		1.2 IMO number			
1.3 Call sign		1.4 Voyage number			
2. Flag State of ship					
3. No.	4. Family name, given names	5. Given names	6. Rank or rating	7. Effects ineligible for relief from customs duties and taxes or subject to prohibitions or restrictions*	8. Signature
9. Date and signature by master, authorized agent or officer					

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

**CREW LIST**  
(IMO FAL Form 5)

				<input type="checkbox"/> Arrival				<input type="checkbox"/> Departure				<input type="checkbox"/> Page Number
1.1 Name of ship				1.2 IMO number			1.3 Call sign		1.4 Voyage number			
2. Port of arrival/departure				3. Date of arrival/departure			4. Flag State of ship		5. Last port of call			
6. No.	7. Family name, given names	8. Given names	9. Rank or rating	10. Nationality	11. Date and place of birth	12. Place of birth	13. Gender	14. Nature and number of identity document	15. Number of identity document	16. Issuing State of identity document	17. Expiry date of identity document	
18. Date and signature by master, authorized agent or officer												

**PASSENGER LIST**  
(IMO FAL Form 6)

Arrival       Departure       Page Number

1.1 Name of ship				1.2 IMO number				1.3 Call sign					
1.4 Voyage number			2. Port of arrival/departure				3. Date of arrival/departure			4. Flag State of ship			
5. Family name, given names	6. Given names	7. Nationality	8. Date and place of birth	9. Place of birth	10. Gender	11. Type of identity or travel document	12. Serial number of identity or travel document	13. Issuing State of identity or travel document	14. Expiry date of identity or travel document	15. Port of embarkation	16. Visa number if appropriate	17. Port of disembarkation	18. Transit passenger or not
19. Date and signature by master, authorized agent or officer													

**[DANGEROUS GOODS MANIFEST**  
(IMO FAL Form 7)

(As required by SOLAS 74, Chapter VII, regulation 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)

1.1 Name of Ship: 1.2 IMO Number: 1.3 Call Sign : 1.4 Voyage Number:				2. Flag State of Ship:			18.1 Master's Name:			
				3. Port of Loading or Port of Discharge:			19.1 Shipping Agent:			
<b>4. Transport Document No. (B/L#)</b>	<b>5. Shipper (SH), Consignee (CO), Title Holder (TH)</b>	<b>6. Marks &amp; Numbers (MN), Container No(s) (CN), Vehicle Reg. No(s) (VN)</b>	<b>7. Number and Kind of Packages</b>	<b>8. Proper Shipping Name 9. UN No.</b>	<b>10. Packing Group</b>	<b>11. Class (CL), 12. Subsidiary Risk(s) (SR), 13. Flashpoint (in °C,c.c.) (FP), 14. EmS (ES)</b>	<b>15. Marine Pollutant</b>	<b>16. Mass (kg) Gross/Net</b>	<b>17. Stowage Position on board</b>	<b>18. Port of Discharge or Port of Loading</b>
19. Additional information										
20.1 Master's Name & Master's Signature: (Signature not needed for electronic message)						21.1 Shipping Agent & Agent's Signature:(Signature not needed for electronic message)				
20.2 Place and Date (of Signature or Dispatch of electronic message)						21.2 Place and Date (of Signature or Dispatch of electronic message)				

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## ANNEX 2

### LIST OF SUBSTANTIVE ITEMS FOR INCLUSION IN THE PROVISIONAL AGENDA FOR THE FORTIETH SESSION OF THE COMMITTEE

Opening of the session and election of Chairman and Vice-Chairman for 2016

Decisions of other IMO bodies

Consideration and adoption of proposed amendments to the Convention

Comprehensive review of the FAL Convention

Application of single-window concept

Requirements for access to, or electronic versions of, certificates and documents, including record books required to be carried on ships

Consideration and analysis of reports on information on illegal migrants and stowaways

Measures to protect the safety of persons rescued at sea

Guidelines on maritime cybersecurity

Guidelines on minimum training and education for mooring personnel

Review of the ICAO/IMO publication on International signs to provide guidance to persons at airports and marine terminals

Technical cooperation activities related to facilitation of maritime traffic

Relations with other organizations

Application of the Committee's Guidelines

Work programme

Election of Chairman and Vice-Chairman for 2017

Any other business

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**ANNEX 3**  
**BIENNIAL STATUS REPORT OF THE FACILITATION COMMITTEE**

<b>FACILITATION COMMITTEE (FAL)</b>								
<b>Planned output number</b>	<b>Description</b>	<b>Target completion year</b>	<b>Parent organ(s)</b>	<b>Coordinating organ(s)</b>	<b>Associated organ(s)</b>	<b>Status of output for Year 1</b>	<b>Status of output for Year 2</b>	<b>References</b>
1.1.1.1	Cooperate with the United Nations on matters of mutual interest, as well as provide relevant input/guidance	Annual	Assembly	Council	MSC / MEPC / FAL / LEG / TCC / III		Completed	
1.1.2.1	Cooperate with other international bodies on matters of mutual interest, as well as provide relevant input/guidance	Annual	Assembly	Council	MSC / MEPC / FAL / LEG / TCC		Completed	
3.4.1.1	Input on identifying emerging needs of developing countries, in particular SIDS and LDCs to be included in the ITCP	Continuous	TCC		MSC / MEPC / FAL / LEG		Ongoing	
3.5.1.1	Identify thematic priorities within the area of maritime safety and security, marine environmental protection, facilitation of maritime traffic and maritime legislation	Annual	TCC		MSC / MEPC / FAL / LEG		Completed	
3.5.1.2	Input to the ITCP on emerging issues relating to sustainable development and achievement of the MDGs	2015	TCC		MSC / MEPC / FAL / LEG		Completed	

FACILITATION COMMITTEE (FAL)								
Planned output number	Description	Target completion year	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1	Status of output for Year 2	References
4.0.1.3	Endorsed proposals for unplanned outputs for the 2014-2015 biennium as accepted by the Committees	Annual	Council		MSC / MEPC / FAL / LEG / TCC		Completed	C 112/D, paragraphs 8.1 and 8.2(i)
4.0.2.1	Endorse proposals for the development, maintenance and enhancement of information systems and related guidance (GISIS, websites, etc.)	Continuous	Council		MSC / MEPC / FAL / LEG / TCC / III		Ongoing	C 112/D, paragraphs 8.3 (vii) and 8.3(ix)
4.0.5.1	Revised Guidelines on the Application of the Strategic Plan and the High-level Action Plan of the Organization ("GAP") and guidelines on organization and method of work of the committees, as appropriate	2015	Assembly	Council	MSC / MEPC / FAL / LEG / TCC		Completed	
5.1.2.2	Measures to protect the safety of persons rescued at sea	2014	MSC / FAL	NCSR	III		Postponed	MSC 84/24, paragraph 22.25

FACILITATION COMMITTEE (FAL)								
Planned output number	Description	Target completion year	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1	Status of output for Year 2	References
5.2.1.31	Review the Guidelines on minimum training and education for mooring personnel	2015	FAL				Postponed	FAL 38/15, paragraph 8.16
8.0.1.1	Comprehensive review of the FAL Convention	2015	FAL				Postponed	
8.0.2.1	Consideration and analysis of reports and information on illegal migrants	Annual	MSC / FAL				Completed	
8.0.3.1	Requirements for access to, or electronic versions of, certificates and documents, including record books required to be carried on ships	2015	FAL		MSC / LEG / III / MEPC		Postponed	

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**ANNEX 4**

**PROPOSALS FOR THE HIGH-LEVEL ACTION PLAN OF THE ORGANIZATION  
AND PRIORITIES FOR THE 2016-2017 BIENNIUM FOR THE FACILITATION COMMITTEE\***

No.**	High-level Actions (HLAs)	No.**	Planned outputs (POs) for 2016–2017
1.1.1	Cooperate with the United Nations on matters of mutual interest	1.1.1.1	Cooperate with the United Nations on matters of mutual interest, as well as provide relevant input/guidance
1.1.2	Cooperate with other international bodies on matters of mutual interest, as well as provide relevant input/guidance	1.1.2.1	Cooperate with other international bodies on matters of mutual interest, as well as provide relevant input/guidance
1.3.3	Promote facilitation measures		NEW: Review the international signs to provide guidance to persons at marine terminals
3.4.1	Identify the emerging needs of developing States in general and the developmental needs of small island developing states (SIDS) and least developed countries (LDCs) in particular	3.4.1.1	Input on identifying emerging needs of developing countries, in particular SIDS and LDCs to be included in the ITCP
3.5.1	Consider, prioritize and implement technical cooperation programmes	3.5.1.1	Identify thematic priorities within the area of maritime safety and security, marine environmental protection, facilitation of maritime traffic and maritime legislation
		3.5.1.2	Input to the ITCP on emerging issues relating to sustainable development and achievement of the MDGs
4.0.1	Adopt, implement and enhance measures for the effective, efficient and transparent management of the Organization's resources	4.0.1.3	Endorsed proposals for unplanned outputs for the <del>2014-2015</del> 2016-2017 biennium as accepted by the Committees
4.0.2	Develop, implement, enhance, support and manage information systems in support of a knowledge and information-based Organization	4.0.2.1	Endorsed proposals for the development, maintenance and enhancement of information systems and related guidance (GISIS, websites, etc.)

\* Strike-outs indicate proposed deletions and underlined text indicates proposed additions/revisions (R = revised) to the annex of resolution A.1062(28).

\*\* New numbers will be assigned by the Council, in due course, for the High-level Action Plan and planned outputs for the 2016-2017 biennium. New planned outputs which currently have no numbers are marked as NEW.

No.**	High-level Actions (HLAs)	No.**	Planned outputs (POs) for 2016–2017
4.0.5	Implement and keep under review working methods and processes	4.0.5.1	Revised Guidelines on the Application of the Strategic Plan and the High-level Action Plan of the Organization ("GAP") and guidelines on organization and method of work of the committees, as appropriate
5.1.2	Development and review of safe evacuation, survival, recovery and treatment of people following maritime casualties or in case of distress	5.1.2.2	Measures to protect the safety of persons rescued at sea
5.2.1	Keep under review the technical and operational safety aspects of all types of ships, including fishing vessels	5.2.1.31	Guidelines on minimum training and education for mooring personnel
6.1.1	Keep under review measures (e.g. ISPS Code) to enhance security for ship and port facilities including the ship/port interface and for shipping lanes of strategic importance		NEW: Guidelines on maritime cybersecurity
8.0.1	Promote wider acceptance of the FAL Convention and adoption of measures contained therein, to assist the FAL Committee's effort and work towards the universal implementation of measures to facilitate international maritime traffic	8.0.1.1	Comprehensive review of the FAL Convention
8.0.2	Ensure that an appropriate balance is maintained between measures to enhance maritime security and measures to facilitate maritime international traffic	8.0.2.1	Consideration and analysis of reports and information on illegal migrants <u>and stowaways</u>
8.0.3	Encourage the use of information and communication technology to drive continuous improvement and innovation in the facilitation of maritime traffic	8.0.3.1	Requirements for access to, or electronic versions of, certificates and documents, including record books required to be carried on ships
			NEW: Application of single-window concept

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**ANNEX 5**

**POST-BIENNIAL AGENDA OF THE COMMITTEE**

<b>FACILITATION COMMITTEE (FAL)</b>								
<b>ACCEPTED POST-BIENNIAL OUTPUTS</b>				<b>Parent organ(s)</b>	<b>Coordinating organs(s)</b>	<b>Associated organ(s)</b>	<b>Timescale (sessions)</b>	<b>References</b>
<b>Number</b>	<b>Biennium (when the output was placed on the post-biennial agenda)</b>	<b>Reference to High-level Actions</b>	<b>Description</b>					
60	2012-2013	8.0.1	Review and update the Explanatory Manual to the FAL Convention to reflect any amendments to the annex to the FAL Convention	FAL			2	FAL 37/17, paragraph 4.6





## ANNEX 6

### STATEMENTS BY DELEGATIONS AND OBSERVERS\*

#### ITEM 4

##### Statement by the delegation of the Islamic Republic of Iran

The Islamic Republic of Iran raised the issue of fair treatment of seafarers in terms of shore leave and access to shore-side facilities in recent sessions of the Legal Committee (documents LEG 94/12, annex 10, LEG 96/13, annex 2 LEG 97/6/2 and LEG 98/6) and FAL Committee (documents FAL 37/8/5 and FAL 38/4/2) and as well as in last session of the IMO Assembly (document A 28/14/2), underlining the issue of shore leave with respect to human rights, the safety of shipping and attracting new recruits to the shipping industry, and emphasizing the need for efficient actions by the relevant IMO bodies in this regard.

During above mentioned meetings, particularly in previous session of FAL Committee, the topic, "further measures of facilitation of the crew's shore leave" has been extensively considered in the plenary and its working group. The majority of interventions emphasized the need for shore leave to be granted without any discrimination and supported the proposal submitted by Iranian delegation. According to these considerations, the Committee endorsed the group's agreed amendments to Standard 3.44 requiring shore leave for crews to be granted in a manner that prevented discrimination and also endorsed the related provision of draft Standard 3.44**bis** requiring public authorities to provide the seafarer and the master with reasons for shore leave denial and, if so requested, in writing (document FAL/W.P4 and FAL 38/15).

On the basis of obtaining a short-term solution pending entry into force of FAL amendments, the Islamic Republic of Iran, first, presented a proposal to LEG 100 (document LEG/100/5) and then another proposal to Assembly 28 (document A 28/14/2), requesting the consideration and adoption a resolution related to shore leave due to the continuation of the discriminatory and unfair treatment against some seafarers in relation to shore leave and the need for urgent action in this regard.

Having been considered the latter document, the Assembly adopted resolution A.1090 (28) on *Fair treatment of crew members in respect of shore leave and access to shore-side facilities*. This resolution has been approved as a short-term solution pending the entry into force of relevant amendments to the FAL Convention. It is consistent with the contents and terminology of the FAL Convention, and specifically with Standards 3.44 and 3.44**bis** agreed by FAL 38.

In this resolution, the Assembly urged Member Governments to take steps for granting shore leave to crew members in a manner which excludes discrimination on the grounds of nationality, race, colour, sex, religion, political opinion or social origin and irrespective of the flag State of the ship on which they are employed, engaged or work and communicate their reasons for shore leave denial to the crew members and the master; and should it be requested by the crew members concerned or the master, such reasons are to be provided in writing.

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\* Statements have been included in this annex in the order in which they were given, sorted by agenda items, and in the language of submission (including translation into any other language if such translation was provided). Statements are available in all the official languages on audio file: <http://docs.imo.org/Meetings/Media.aspx>

Regarding to the point in paragraph 17.3 of the correspondence group, I would like to remind a need for minimum level of realization of the shore leave right. As it is noted that consideration of the existing international instruments on human rights shows that besides recognizing the substantive human rights in the related international instruments, the procedure for securing these rights has to be taken into consideration. Procedural human rights are a prerequisite for practising substantive human rights.

Experience has shown that proper realization one international obligation needs to enact relevant national laws and regulations. My delegation, therefore, is of the view that national and international mechanisms may have supplementary role for providing secure conditions for the seafarers, inter alia granting shore leave to them.

All these activities in the IMO on "Fair treatment of seafarers" have been welcomed by the United Nations General Assembly in its resolution last year on "Oceans and the Law of the Sea" in document A/RES/68/70 Para 87 which adopted on 9 December 2013.

In conclusion, my delegation is hopeful that this human right of seafarers including crew members has been realizing effectively and comprehensively.

## **ITEM 9**

### **Statement by ITF**

The ITF has serious concerns relating to the scope of who is covered under mooring personnel and overly broad extent of the guidelines on minimum training and education for mooring personnel. Our concerns can be summarized as follows:

There is no definition of the term. Under paragraph 2, Objectives, it is stated that the training and education of shore-side mooring personnel would "ensure that ships could enter, stay and leave a port safely, securely and efficiently". This is the role and function of shipboard personnel – the master, pilot, watch officers, and crew. It is far outside the generally accepted role of shore-side mooring personnel. Mooring personnel play a very limited role of handling lines during the docking or undocking operation and that role is carried out under the oversight and direction of the master, pilot and deck officers. No great theoretical knowledge with extensive professional training and education is required to perform the functions required of shore-side mooring personnel.

The recommended standards of training and education for mooring personnel are inappropriate for the limited services they generally provide. They cover functions required of Masters and navigational watch officers under the STCW Convention and recommended guidelines for pilots under IMO resolution A.960. They are far in excess of the competencies required of shore-side mooring personnel that primarily handle and secure mooring lines on the dock under the direction of shipboard personnel. Mooring personnel do not normally perform any function aboard a ship. And they certainly do not perform any navigational or ship handling functions. In some ports mooring boats can be used to run lines ashore. Handling these small craft does not require the extensive technical knowledge contained in the guidelines.

The recommend guidelines cover maritime training requirements that are within the competency of the Maritime Safety Committee's Sub-Committee on the Human Element, Training and Watchkeeping. If it is felt that there is a compelling need for some training of mooring personnel in what are primarily maritime skills carried out by shipboard personnel; we would suggest that the matter be referred to the HTW Sub-Committee that has the appropriate competence.

### **Statement by ITF**

The ITF shares the concerns Spain and Italy that competition in safety sensitive services subjects the service providers to commercial pressures to lower standards to gain a competitive advantage. This can compromise the standards and quality of services and place port facilities, ships, seafarers and mooring personnel at risk. In our view both options in the Working Paper 7, 1.6.2, present problems.

The first option interjects the issue of public versus private port services into the debate, as well as the issue of costs. Both issues may be inappropriate for the IMO to consider as they interfere with policy decisions made at the national or local governmental level.

The second option could be interpreted to leave the issue of safety standards to the service providers and their customers. In an unregulated competitive environment commercial pressures will inevitably drive standards downward to the detriment of the industry and the public. It has long been recognized by the IMO that the lack of effective governmental regulation and the implementation of safety related standards can lead to substandard shipping. In fact it is the theme of the IMO this year. It is the expected and proper role of IMO and governments to regulate safety and environmental standards in maritime operations to protect the public interest. Establishing appropriate safety standards is a governmental responsibility that should not be left to the parties in commercial negotiations.

As it would be inappropriate for Plenary to amend the report of the Working Group we would suggest that the issue of the guidelines for mooring personnel remain on the agenda for FAL 40 so that this issue can be revisited.

### **ITEM 10**

#### **Statement by Peru**

La delegación del Perú, quiere hacer referencia al documento FAL 39/10 sobre las actividades relacionadas a la implantación del Convenio FAL llevadas a cabo con apoyo del programa integrado de Cooperación Técnica.

En ese sentido hace de conocimiento que del 22 al 25 de Abril de 2013, se realizó en la ciudad de Lima Perú, el seminario regional sobre facilitación del Tráfico Marítimo, con especial atención del comercio marítimo, en colaboración con la UNCTAD.

Asimismo queremos agradecer expresamente al Sr. Julian Abril quien condujo con éxito el mismo, acompañado de dos expositores de la Prefectura Naval Argentina y de la Dirección del Territorio Marítimo de Chile.

Este seminario se ofreció a los 13 países de la ROCRAM, dirigido a funcionarios de las autoridades marítimas, autoridades portuarias y aduaneras, resaltando los principales resultados el promover la adhesión al Convenio FAL de los países de la región que aún no lo son (Paraguay y Costa Rica), analizar los alcances del Convenio FAL, mejoras para medir internamente el nivel de cumplimiento del Convenio y el impulso de las Comisiones Nacionales de Facilitación.

### **Statement by Chile**

No nos referiremos particularmente a su pregunta que nos ha hecho si no nos preocupa el reiterar algo que ya nosotros planteamos dentro del Comité de Cooperación Técnica y que produjo un largo debate y que implicó incluso la intervención del Secretario General al final del mismo. Concordamos con lo que nos explicó el señor Abril recién.

Lo que si pedimos muy puntualmente no se intente linkear o hacer un link directo entre los perfiles marítimos nacionales y las actividades de cooperación técnica. Para nosotros como lo expresamos en el Comité de Cooperación Técnica es muy delicado cuando se trata de ayudar por el camino único la cooperación técnica a nivel nacional dependiendo de la entrega o no de un perfil marítimo nacional.

Este tema cuando lo tratamos en el Comité de Cooperación Técnica fue ampliamente debatido y se concordó que la entrega de los perfiles marítimos nacionales en ningún caso iban a eliminar o reducir la cooperación técnica a nivel regional, por razones que se explicaron en el Comité. Por lo tanto señor Presidente me gustaría dejar nuevamente presente en este Comité que Chile reitera la necesidad de mantener en el ámbito FAL tal como fue hecho en Perú o en otras delegaciones a nivel Latinoamérica, la cooperación técnica regional.

Muchas gracias señor Presidente.

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