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Ref. A1/F/2.04

FAL.3/Circ.187
27 April 2007

CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC, 1965

Review of Standards and Recommended Practices

1 The Facilitation Committee (the Committee), at its thirty-fourth session (26 to 30 March 2007), reaffirmed its intention to review the Standards¹ to which differences have been registered by Contracting Governments to the Convention and the Recommended Practices² which Contracting Governments opted not to implement, with a view to determining whether they are outdated or could be amended to make them more universally acceptable.

2 Article VIII(1) of the Convention requires any Contracting Government that finds it impracticable to comply with any Standard by bringing its own formalities, documentary requirements or procedures into full accord with it or which deems it necessary for special reasons to adopt formalities, documentary requirements or procedures differing from that Standard, shall so inform the Secretary-General and notify him of the differences between its own practice and such Standard.

3 Article VIII(2) states that notification by a Contracting Government of any such difference in the case of an amendment to a Standard or of a newly adopted Standard shall be made to the Secretary-General as soon as possible after the entry into force of such amended or newly adopted Standard, or after the adoption of such differing formalities, documentary requirements or procedures and may include an indication of the action proposed to bring the formalities, documentary requirements or procedures into full accord with the amended or newly adopted Standard.

4 Article VIII(3) of the Convention urges Contracting Governments to bring their formalities, documentary requirements and procedures into accord with the Recommended Practices in so far as practicable. As soon as any Contracting Government brings its own formalities, documentary requirements and procedures into accord with any Recommended Practice, it is invited to notify the Secretary-General thereof.

5 The Committee recognized that it was necessary in the first instance to obtain up-to-date information from Contracting Governments concerning any differences to the Standards they have adopted and on the implementation of the Recommended Practices by them, agreed to request Contracting Governments, which have not already replied to the questionnaire as set out in the annex of FAL.3/Circ.184, to complete and return to the Secretariat the questionnaire set out at annex 1. Those Governments who have already provided information should only send additional information if they deem that an update is needed. For ease of reference the consolidated text of the Convention is set out in annex 2.

¹ *Standards* means Standards contained in the Annex to the Convention.

² *Recommended Practices* means Recommended Practices contained in the Annex to the Convention.

6 The Committee reaffirmed its previous decision at FAL 31 that replies to the questionnaire do not constitute notification by Contracting Governments of differences to Standards and/or the adoption of Recommended Practices in accordance with Article VIII of the Convention unless the Contracting Government concerned informs the Secretary-General otherwise.

7 The Committee agreed to advise Contracting Governments that if, after reviewing as part of the exercise to responding to the questionnaire, the differences to Standards and/or the adoption of Recommended Practices they have notified to the Secretary-General they wish to update their previous notification, they can do so by sending to the Secretary-General a notification in accordance with Article VIII of the Convention.

8 The Committee also agreed to invite the Member States which are not Contracting Governments to the Convention to complete and return the questionnaire in order to find out what obstacles were being faced by them in acceding to the Convention and to encourage them to prepare the national legislation required and, if need be, request assistance from the Organization to enable them to effectively implement the provisions of the Convention.

9 The Committee also revoked FAL.3/Circ.184 and FAL.3/Circ.185.

ANNEX 1**QUESTIONNAIRE****EXPLANATORY NOTES*****General***

1 The Annex to the Convention, as in force as from 1 November 2006, should be referred to when responding to the questionnaire. When this questionnaire was issued there were no amendments to the Annex to the Convention which had not yet entered into force. However, the Committee had approved a number of amendments to the Convention for consideration with a view to adoption at its next session.

2 The advice in responding to the questionnaire may be obtained from and the completed questionnaires should be return to:

Facilitation Section
Sub-Division for Maritime Security and Facilitation
Maritime Safety Division
International Maritime Organization
4 Albert Embankment
London SE1 7SR
United Kingdom

Telephone Number: + 44 20 7735 7611
Facsimile Number: + 44 20 7587 3210
E-mail address: falsec@imo.org

Guidance for Contracting Government

3 Contracting Governments to the Convention should complete and return Appendices 1 and 3.

4 Contracting Governments, when identifying the differences, are urged to restrict the exercise to the identification of real differences only and not to give explanations on implementations or details about provisions which they have put in place which go beyond the requirements of the Convention.

5 Contracting Governments should report the reasons why they found it impracticable to comply with a particular Standard and to implement a specific Recommended Practice.

6 Contracting Governments should also complete and return to Appendices 1 and 3 when they adopted changes in their approach to Standards or Recommended Practices or amendments thereto or new ones for which they have reported previously. Such an approach will enable the Committee to monitor developments.

7 Contracting Governments which responded to the questionnaire attached to FAL.3/Circ.184 should complete and return Appendices 1 and 3 as their replies to the aforesaid circular cannot be considered as replies to the present questionnaire.

Guidance for Member States which are not a Contracting Government

7 Member States which are not Contracting Governments to the Convention should complete and return Appendices 2 and 3.

Appendix 1

SUMMARY REPORT

(to be completed by Contracting Governments)

Name of Contracting Government	
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List of Standard(s) for which you have adopted difference(s) <i>(indicate only the reference numbers e.g. 1.5, 2.7.5, etc.)</i>

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<i>Please complete for each of the Standards listed above Form 1</i>
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List of Recommended Practice(s) which you have NOT implemented <i>(indicate only the reference number e.g. 3.1.1, 3.49, etc.)</i>

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<i>Please complete for each of the Recommended Practices Form 2</i>

Use of FAL Forms

<i>Please complete Form 3</i>

Do you require assistance from the Organization to enable you to effectively implement the provisions of the Convention and if so in which areas?

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FORM 1

REPORT ON STANDARDS

*for each **Standard** for which you have adopted difference(s), within the meaning of Article VIII(1) of the Convention, please indicate the reference of the Standard e.g. 2.18 and reply to the following questions:*

Name of Contracting Government	
Standard	
Which provision(s) of the Standard is/are different from those of your national legislation or practice?	
What is/are the reason(s) for adopting the <u>difference(s)</u> to the Standard?	
Have you notified the Secretary-General in relation to the <u>difference(s)</u> to the Standard you have adopted and if so, when?	
Are you willing to reconsider your approach to the Standard and if not, why?	
What changes to the Standard do you recommend and why?	
Have you withdrawn any previous notification(s) of <u>difference(s)</u> to Standard and if so, when?	

FORM 2

REPORT ON RECOMMENDED PRACTICES

*for each of the Recommended Practices you have **NOT** implemented please indicate the reference of the Recommended Practice e.g. 4.14.3 and reply to the following questions:*

Name of Contracting Government	
Recommended Practice	
Which provision(s) of the Recommended Practice are different from those of your national legislation or practices?	
What is/are the reason(s) for NOT implementing the Recommended Practice?	
Are you willing to reconsider your approach to the Recommended Practice and if not, why?	
What changes to the Recommended Practice do you recommend and why?	

Appendix 2

SUMMARY REPORT

(to be completed by Member States which are not Contracting Governments)

Name of Member State	
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List of Standard(s) which are similar to your national legislation or practices <i>(indicate only the reference numbers e.g. 1.5, 2.7.5, etc.)</i>
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<i>Please complete for each of the Standards listed above Form 1</i>
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List of Recommended Practice(s) which are similar to your national legislation or practices <i>(indicate only the reference number e.g. 3.1.1, 3.49, etc.)</i>
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<i>Please complete for each of the Recommended Practices Form 2</i>

Use of FAL Forms

<i>Please complete Appendix 3</i>

Have you considered becoming a Contracting Government and if so, when and for what reason(s) have you not yet done so?
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Are you considering becoming a Contracting Government and if so, what are the obstacle(s) you face for doing so?
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Do you require any form of assistance from the Organization to enable you to effectively implement the provisions of the Convention and/or to become Contracting Government and if so, in which areas?
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FORM 1

REPORT ON STANDARDS

for each Standard which contains provisions similar to those of your national legislation or practices please indicate the reference of the Standard e.g. 2.18 and reply to the following questions:

Name of Member State	
Standard	
Which provision(s) of the Standard are similar to those of your national legislation or practice?	
What is/are the difference(s) between your national legislation or practices and the Standard?	
What is/are the reason(s) for adopting your current national legislation or practices in relation to the issues addressed by the Standard?	
If you were to become a Contracting Government, what is/are the reason(s) for which you will NOT be able to implement the Standard?	
Are you willing to reconsider you approach to the Standard and if not, why?	
What changes to the Standard do you recommend and why?	

FORM 2

REPORT ON RECOMMENDED PRACTICES

for each Recommended Practice which contains provisions similar to those of your national legislation or practices please indicate the reference of the Recommended Practice e.g. 4.14.3 and reply to the following questions:

Name of Member State	
Recommended Practice	
Which provision(s) of the Recommended Practice are similar to those of your national legislation or practice?	
What is/are the difference(s) between your national legislation or practices and the Recommended Practice?	
What is/are the reason(s) for adopting your current national legislation or practices in relation to the issues addressed by the Recommended Practice?	
If you were to become Contracting Government, what is/are the reason(s) for which you will NOT be able to implement the Recommended Practice?	
Are you willing to reconsider your approach to the Recommended Practice and if not, why?	
What changes to the Recommended Practice do you recommend and why?	

Appendix 3

USE OF THE FAL FORMS

Name of Contracting Government <i>(when completing appendix 1)</i>	
Name of Member State <i>(when completing appendix 2)</i>	

Please complete the following matrices in relation to each of the FAL Forms. In doing so please insert in the column headed "Additional information" for each of the rows the applicable symbol(s) from the following ones:

<i>Symbol</i>	<i>Legend</i>
x	is added to number where acceptable or required IMO FAL Forms are subject to minor modifications or where certain conditions have to be observed by the declarant
a	A single form combines the information contained in the General and Cargo Declarations
b	A single national form combines the information contained in the General, Cargo and Ship's Stores Declarations
c	Not required in outbound traffic
d	Implemented for arrival purposes only, cargo manifest sufficient for outbound traffic
e	ICS Standard Manifest being used
f	In accordance with Recommended Practice 2.3.4
g	Acceptable if provided with master's signature
h	Cargo Declaration contains the information required
j	A single form combines the information contained in the General Declaration and the Dangerous Goods Manifest

FAL Form 1 — General Declaration	<i>Yes</i>	<i>No</i>	<i>Additional information</i>
No documentary requirement			
FAL Form acceptable without modification or addition			
National form based on FAL Form adopted			
FAL Form not yet acceptable, adoption under consideration			
FAL Form unacceptable, national form (differing from IMO Form) remains in use			

FAL Form 2 — Cargo Declaration	<i>Yes</i>	<i>No</i>	<i>Additional information</i>
No documentary requirement			
FAL Form acceptable without modification or addition			
National form based on FAL Form adopted			
FAL Form not yet acceptable, adoption under consideration			
FAL Form unacceptable, national form (differing from IMO Form) remains in use			

FAL Form 3 – Ship’s Stores Declaration	Yes	No	Additional information
No documentary requirement			
FAL Form acceptable without modification or addition			
National form based on FAL Form adopted			
FAL Form not yet acceptable, adoption under consideration			
FAL Form unacceptable, national form (differing from IMO Form) remains in use			

FAL Form 4 – Crew’s Effects Declaration	Yes	No	Additional information
No documentary requirement			
FAL Form acceptable without modification or addition			
National form based on FAL Form adopted			
FAL Form not yet acceptable, adoption under consideration			
FAL Form unacceptable, national form (differing from IMO Form) remains in use			

FAL Form 5 – Crew List	Yes	No	Additional information
No documentary requirement			
FAL Form acceptable without modification or addition			
National form based on FAL Form adopted			
FAL Form not yet acceptable, adoption under consideration			
FAL Form unacceptable, national form (differing from IMO Form) remains in use			

FAL Form 6 – Passenger List	Yes	No	Additional information
No documentary requirement			
FAL Form acceptable without modification or addition			
National form based on FAL Form adopted			
FAL Form not yet acceptable, adoption under consideration			
FAL Form unacceptable, national form (differing from IMO Form) remains in use			

FAL Form 7 – Dangerous Goods Manifest	Yes	No	Additional information
No documentary requirement			
FAL Form acceptable without modification or addition			
National form based on FAL Form adopted			
FAL Form not yet acceptable, adoption under consideration			
FAL Form unacceptable, national form (differing from IMO Form) remains in use			
