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FAL.5/Circ.47
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**GUIDELINES FOR NATIONAL MARITIME TRANSPORT
FACILITATION COMMITTEES AND PROGRAMMES**

- 1 The Facilitation Committee, at its forty-sixth session (9 to 13 May 2022), approved the *Guidelines for national maritime transport facilitation committees and programmes*, as set out in the annex.
- 2 Contracting Governments are invited to bring the Guidelines to the attention of all stakeholders.
- 3 Contracting Governments are also invited to bring to the attention of the Committee, at the earliest opportunity, the results of the experience gained from the use of the Guidelines for consideration of action to be taken.
- 4 This circular revokes FAL.5/Circ.2.

ANNEX

GUIDELINES FOR NATIONAL MARITIME TRANSPORT FACILITATION COMMITTEES AND PROGRAMMES

1 Introduction

- .1 In compliance with Recommended Practices 7.11 and 7.12 of the 1965 FAL Convention, national facilitation committees have been established in many Member States and have proven to be an effective means of implementing facilitation programmes.
- .2 National maritime transport facilitation committees are bodies that include representatives from all relevant stakeholders and pursue the overall objective of facilitation. Authorized by government administrations, they establish their own terms of reference for effective implementation of facilitation requirements and suppressing obstacles in trade flows.

2 Scope

- .1 In order to achieve effective facilitation of ship clearance procedures at ports, it is recommended that a national maritime transport facilitation committee or a coordination body be established to guide and coordinate all activities required by the FAL Convention.
- .2 Contracting Governments should be aware of possible overlaps between different public authorities which are involved in ship clearance procedures. Also, such awareness is important to avoid overlaps between other national facilitation bodies and national maritime transport facilitation committees. Those bodies and public authorities need to share information with each other. Contracting Governments may wish to authorize a governmental agency to provide a mechanism for purposes of sharing information and recommended facilitation requirements for implementation. In order to prevent any overlap on implementation of facilitation requirements, especially at ports, consistent communication should be established between relevant parties.
- .3 In this regard, Contracting Governments should have a clear understanding and awareness of current international requirements for establishing national trade facilitation bodies (NTFBs) and the national maritime transport facilitation committee (NMTFC). Section 4 is helpful for clear understanding of their possible structures and making establishment of connections between national facilitation bodies, and monitoring their suggested terms of references, and help to compare differences with NMTFC.
- .4 Contracting Governments are responsible for sharing information about national maritime transport facilitation committees and updating on the implementation of the national maritime transport facilitation committee to the Global Integrated Shipping Information System (GISIS) on national maritime facilitation committees and programmes, or similar arrangements in accordance with Recommended Practices 7.11 and 7.12.

3 Definitions

It is important that national maritime transport facilitation committees and national facilitation programmes are clearly defined with regard to the establishment of such bodies as supplementary structures for effective trade flow and implementation of facilitation requirements at ports.

3.1 National Maritime Transport Facilitation Committees

- .1 A national maritime transport facilitation committee should provide a platform for information, coordination and facilitation between relevant authorities and other parties involved in various aspects of maritime facilitation.

3.2 National Maritime Transport Facilitation Programmes

- .1 Each Contracting Government should, where it considers such action necessary and appropriate, establish a national maritime transport facilitation programme based on the facilitation requirements of the convention and ensure that the objective of its facilitation programme should be to adopt all practical measures to facilitate the movement of ships, cargo, crews and passengers by removing unnecessary obstacles and delays. The national maritime transport facilitation committee's work programme should reflect the objectives set in such a national facilitation programme.

4 Types of national facilitation committees

Many organizations have worked on the topic of national facilitation committees and these can take multiple forms. These bodies will often be complimentary, so it is important to ensure on the national and regional levels a certain amount of coordination. Each body should make best efforts to work together effectively. It is also possible that one committee assumes various functions, including the below. Some of the more common models include:

- .1 FAL Committees as defined by the FAL Convention;
- .2 National Air Transport Facilitation Committee/Airport Facilitation Committee as defined in the ICAO Chicago Convention;
- .3 PRO Committees/National Trade Facilitation Bodies as defined in UNECE Recommendation 4;¹
- .4 WTO National Trade Facilitation Committees as established through its Trade Facilitation Agreement; and
- .5 Other potential initiatives.

More information is provided in the appendix.

¹ <https://tfig.unece.org/contents/trade-facilitation-bodies.htm>

5 National maritime transport facilitation committees

The following requirements are suggested for the structure, membership, and method of operation for a national maritime transport facilitation committee.

5.1 Composition

- .1 A national maritime transport facilitation committee should be composed of and allow active participation of representatives, at the appropriate level, of main interests concerned with maritime facilitation.
- .2 Facilitation can only prosper with the involvement and cooperation of all parties concerned. For finding a success of the effective implementation of facilitation provisions in related administrations, involved with customs, immigrations, consular, public health, agriculture, security and narcotic controls, port authorities are essential, but it would not be limited to participation of such administrations, it could be possible to extend the members of the committee with invitation of any other related public authorities.
- .3 On the other hand, representation of shipowners, forwarders and agents should be encouraged in order to understand operations from all points of view, alleviating any possible obstacles of the clearance procedure, resolving current bottlenecks. Eventually, private sector representation is another vital importance for finding efficient solutions about actions from the committees. Such participations will help to adopt all practical measures to facilitate the movement of ships, cargo and crews at ports and on the other hand, it helps to avoid unnecessary obstacles and delays.
- .4 One government agency should be identified to lead the committee.

5.2 Terms of reference

Where a national maritime transport facilitation committee (or a similar coordinating body) is formed, its functions should broadly be:

- .1 to contribute to the implementation of the national facilitation programme or programmes;
- .2 to contribute to ensure sufficient resources to support the implementation of agreed measures;
- .3 to contribute to reviewing policy issues in relation to arrival, stay and departure of clearance formalities applied to international maritime services;
- .4 to provide advice, if requested, to relevant authorities and organizations concerned with maritime facilitation;
- .5 to share information about significant developments in the field of international maritime traffic in so far as they affect operations into and out of the Contracting Governments;
- .6 to identify the factors affecting maritime transport facilitation and contribute to setting priorities for action on these issues;

- .7 to provide information to the authorities of the Member State responsible for making and updating the "Notifications pursuant to article VIII of the FAL Convention" Module in GISIS in regard to information about national maritime transport facilitation committee;
- .8 to participate and provide input in international initiatives to improve maritime transport facilitation efficiency with representation of lead governmental agency or involvement of other agreed agencies when it is required;
- .9 to develop a shared understanding of the overall national maritime transport facilitation policies, regulations and procedures across authorities and other organizations concerned in all ports with the State;
- .10 to propose common communication systems among competent authorities and organizations to support electronic information and data exchange; and
- .11 to contribute to the review and development of contingency plans and fallback procedures that apply in all ports in the State to support continuity of maritime trade in the event of major incidents, including but not limited to, natural disasters, weather events, global pandemics, cyberattacks, power outages, civil disturbances, other security threats, etc.

5.3 *Method of work*

- .1 It is suggested that the national maritime transport facilitation committee meets regularly.
- .2 Whenever possible, periodic inspection tours of ports within the national territories and abroad should be arranged for the committee.
- .3 Representatives of shipowners and/or operators should be urged to attend the meetings, if necessary, in order to present their current facilitation problems, identifying possible solutions.
- .4 Whenever appropriate, the facilitation committee should consider the establishment of sub-committees to analyse particular facilitation problems (e.g. cargo, dangerous goods, others). Such sub-committees should, as far as possible, have a balanced representation similar to that of the Committee (one representative for each body involved). Consider recommendation 40 of the UNECE.
- .5 Facilitation committee should periodically send its report and recommendations to other national facilitation bodies, for avoiding overlaps between such committees.
- .6 Member States should inform the Organization of the work of their facilitation committees, so that this information can be distributed to other Governments via GISIS.
- .7 The diversity of documents handled by public and private agencies for processing requires adoption of a harmonized and standardized documentation system for realization of uniformity and simplicity of facilitation of maritime traffic.

5.4 *Review of policies*

- .1 The Contracting Governments may regulate and update their own legislation, in order to facilitate the activities of maritime transport.
- .2 The FAL Committee should periodically review the Annex of the FAL Convention to reflect new requirements for ship, cargo, crew and port clearance procedures, the updates of which should be communicated to the national maritime transport facilitation committees for implementation.

5.5 *Exchange of Information*

- .1 The national maritime transport facilitation committee is to ensure there are no overlaps or gaps in requirements among organizations, public authorities and similar facilitation bodies. In resolving such risks, the lead agency of the committee is to share all recommendations and reports with other possible interested bodies.
- .2 Member States are encouraged to share outputs with IMO and other Member States via GISIS with regard to the work from such committees as a sample of good practice.

6 National maritime transport facilitation programme

- .1 The national maritime transport facilitation committee should create a sub-committee to provide programmes, and try to follow up on recommendations from such programmes. The objectives of such programmes following the FAL Convention requirements, local and regional needs for effective implementation of facilitation, should include paperless clearance process at ports, single window procedures. After committee meetings, authorized or interim authorized leading governmental agency of national maritime transport facilitation committee should inform all stakeholders and related public authorities with regard to the output of meetings.
- .2 A national maritime transport facilitation programme is an instrument of great importance for the effective national implementation of the measures prescribed in the convention.
- .3 In this regard, it is important to pay attention to the broader aspects of facilitation in order to ensure that maritime transport has its place in the overall national facilitation programme so as not to overlap with facilitation programmes facilities provided for other modes of transport and to ensure that there are no gaps in the national programmes.

7 Best practices

To facilitate the efficient and effective ship clearance procedures, the national maritime transport facilitation committee is to:

- .1 Collect and combine the good practices that have been adopted internationally by various states and international organizations in relation to the facilitation of maritime transport in the IMO GISIS system.

Articulate the collaboration and coordination of Public Authorities that have competences in the matter, as well as the interrelation of these with the private sector.

GISIS module of best practices on national maritime transport facilitation committee be included in the design and implementation of public policies in order to strengthen maritime transport.

- .2 Create best practices template using experience of other international organization and include it into the GISIS module for best practices on national maritime transport facilitation committee.

APPENDIX

INFORMATION ABOUT OTHER NATIONAL TRADE FACILITATION BODIES (NTFBs)

The FAL Committee recommends the following resources as relevant to the creation of national maritime transport facilitation committees:

- .1 UNCTAD provides useful information on wider aspects of transport and trade facilitation, including guidance for national transport facilitation committees and bodies. See <https://unctad.org/>.
- .2 UNECE's Trade Facilitation Implementation Guide is a tool for simplifying cross-border trade. It focusses on the fundamental principles of trade facilitation: transparency, simplification, harmonization, and standardization. See <https://tfig.unece.org/>.
- .3 UN/CEFACT has produced guidelines for establishing an NTFB, model terms of reference, a non-exhaustive list of those stakeholders that should be represented in an NTFB and a qualitative methodology to improve the consultative process. See <https://unece.org/trade/uncefact/ntfb-background>.
- .4 WTO provides detailed information on WTO Trade Facilitation Agreement and offers best practices for National Committees on Trade Facilitation. See <https://www.wto.org/>.
- .5 WCO provides detailed guidance on the SAFE Framework of Standards to Secure and Facilitate Global Trade (SAFE Framework) that offers a systems-based approach to deterring to international terrorism, securing revenue collections and promoting trade facilitation worldwide. See www.wcoomd.org.
- .6 ICAO Standards and Recommended Practices on Facilitation are published in Annex 9 to the Convention on International Civil Aviation. ICAO also offers a "Model National Air Transport Facilitation Programme" (Doc 10042). See www.icao.int.

More detailed links to these and other resources will be promulgated on the Facilitation Section of the IMO website (www.imo.org) and will be added to and updated periodically.