
4 ALBERT EMBANKMENT
LONDON SE1 7SR
Telephone: +44 (0)20 7735 7611 Fax: +44 (0)20 7587 3210

FAL.5/Circ.40
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REVISED IMO COMPENDIUM ON FACILITATION AND ELECTRONIC BUSINESS

1 The Facilitation Committee, at its thirty-eighth session (8 to 12 April 2013), approved the Revised IMO Compendium on facilitation and electronic business, as set out in the annex.

2 Member Governments are invited to bring the Revised Compendium to the attention of all parties concerned.

3 Member Governments, international organizations and non-governmental organizations with consultative status 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 Compendium for consideration of action to be taken.

4 This circular revokes FAL.5/Circ.35/Rev.1 issued on 23 May 2012. Any reference to FAL.5/Circ.15 and its corrigenda, or FAL.5/Circ.35/Rev.1, should be read as reference to the present circular.

ANNEX

REVISED IMO COMPENDIUM ON FACILITATION AND ELECTRONIC BUSINESS

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Section 1. General Description

1. Information flows

1.1 Formalities, procedures and paperwork in international trade and transport are generated by the need for both governments and the maritime industry to monitor and control the movement of goods, the transfer of services and by the necessity of safeguarding every party's legitimate interests. Closely related to this, are the diverse requirements for information concerning cargo and goods by all involved parties in the value chain. Over the years, facilitation efforts conducted by IMO and the international or national bodies in various countries or sectors have introduced improvements in the information flows, by analysing the processes, simplifying the requirements, harmonizing procedures and documentation, standardizing practices and introducing agreed codes for the representation of information elements. However, quite a number of countries still maintain requirements which run contrary to these facilitation efforts, because of historical precedents, commercial inertia, difficulty in adjusting the methods of their control bodies, or ignorance of solutions that have been developed elsewhere.

1.2 The processes and systems developed to link ships, carriers, port authorities, customs, terminals, consignees and other parties in the chain are constantly being adapted to meet the changing needs. This is in particular associated with the speed of modern transport, the use of containers and modern equipment but also to take advantage of the possibilities that information and communication technology offer to improve information processing and transmission.

1.3 Today information flows are at a point midway between signed and authorized paper documents still often painfully filled in by hand, and the computerized handling of information. Most documents produced by computers are still sent manually to the other involved party (and often re-entered manually into another computer). But the world of Internet, e-mail or electronic exchange of information where data is sent from computer to computer with minimal human intervention is rapidly developing.

1.4 The timely arrival of information is a vital component in international transport. However, it still happens too frequently that the goods arrive at the destination before the necessary essential information is available to enable the respective operators to perform their function.

Delays in information production and transfer can be reduced if agreement is reached to make the maximum use of modern information and communication technology, e.g. the use of computers to prepare the required documents, sending copies over the Internet, by e-mail or through Electronic Data Interchange (EDI), and whenever this is deemed impossible the use of fax and standard-aligned documents can provide a solution for simplifying and expediting document handling. However, more needs to be done to facilitate the information flows (i.e. how the data are collected, transferred and dealt with). While part of the answer may lie in the simplification of the official and commercial procedures themselves, there should in addition be some systematic way of handling information relevant to the technology available. The advent of electronic trade tools like Internet and the availability of cheap and reliable computers even in the least advanced countries offer huge opportunities.

1.5 The problems created by maritime transport documents and procedures fall into two categories: the supply of data; and the complexity of some of the procedures.

1.6 As stated above, goods often arrive before the information which should precede them and which is essential if they are to be dealt with expeditiously. Some companies take expensive solutions, e.g. the use of courier services, to avoid delays due to missing documents at critical points in the total transport chain.

Due to the complexity of some of the procedures, efficiency is lost if steps are not taken to minimize the amount of information required for instance for cargo in transit. More generally,

procedural requirements should be re-examined and manual systems tidied up and processes redefined before information technology can be safely, systematically and economically applied.

1.7 In theory, there should be nothing inherently too complicated in the systems and procedures for the information to be exchanged in a simple and coherent manner. But apart from the official requirements caused by the protection of national interests, difficulties arise in part from the sheer scale of the operations and in part from the vast number of people, interests, nations and languages involved. What may appear as a facilitation solution in one part of the world can, and often does, create difficulties in another. To take an example, quarantine measures and the information needed for this purpose are for obvious reasons entirely different in Australia than they are in Europe or in the United States.

1.8 Carriers and other parties involved in the transport chain want to be able to receive and deliver the goods on behalf of their customers with the minimum of complication. They also seek to fulfil this function in ways and under conditions conforming as closely as possible to their own requirements for the effective operation of their transport and cargo handling/equipment resources.

1.9 The banks want to finance and facilitate payment for their customers' transactions taking prudent precautions against loss or misunderstanding. In this the need for the prompt presentation of documents which comply with the terms of the instructions issued is obvious. Any variation in the respective documentation, particularly when payment is made in the framework of a Documentary Credit, will result in delays for correction or verification.

1.10 As mentioned above, the requirements of both governments and commercial operators to monitor and control the movement of goods and payment thereof drive the procedures and paperwork generated in international trade. Whilst official requirements are enforced and controlled by governments and have diverse aims, such as fiscal, protective, trade control and health requirements, commercial parties devise commercial requirements to meet their own needs. The facilitation and simplification of procedures and processes may often not be the primary purpose of all the involved parties so the possibility of change can be limited or at best be very slow.

1.11 Those asking for and those providing information each have certain responsibilities. The essence of the technical task is to move minimum information with maximum efficiency. The criterion should be the minimum information necessary to service the process and not the minimum that people would like to obtain for other purposes. This puts a special responsibility on those interests, especially governments, governmental agencies and other involved parties, which are in a position to enforce their data requirements.

1.12 Regardless of the end use of the data, the timely arrival of information, certainly before the arrival of the cargo, is a vital component in international transport. As world distances "shrink" and travel times are reduced, it is essential that information is transmitted using the quickest, most effective method available to the parties involved. If it arrives after the cargo, the best information in the world will still cause acute problems, especially in the port community. Whilst it is appreciated that the technology available in different parts of the world may differ, the use of modern technology should be encouraged, and suitable conditions for such use (including the necessary legal or regulatory framework) should be established in the countries concerned.

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