

FACILITATION COMMITTEE
47th session
Agenda item 22

FAL 47/22
28 March 2023
Original: ENGLISH

**REPORT OF THE FACILITATION COMMITTEE
ON ITS FORTY-SEVENTH SESSION**

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The forty-seventh session of the Facilitation Committee was held from 13 March to 17 March 2023, chaired by Ms. Marina Angsell (Sweden). The Vice-Chair of the Committee, Mr. Mohamed AlKaabi (United Arab Emirates), was also present.

1.2 The session was attended by Member States and Associate Members, representatives from specialized agencies, observers from intergovernmental organizations with agreements of cooperation, and observers from non-governmental organizations in consultative status, as listed in document FAL 47/INF.1.

Opening address of the Secretary-General

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: <https://www.imo.org/en/MediaCentre/SecretaryGeneral/Pages/Secretary-GeneralsSpeechesToMeetings.aspx>.

Chair's remarks

1.4 In responding, the Chair thanked the Secretary-General for his opening address and acknowledged that his advice and requests would be given every consideration in the debates of the Committee.

Use of hybrid meeting capabilities

1.5 The Committee noted that the plenary sessions would be conducted in hybrid mode, i.e. remote participation enabled, taking into account the relevant decisions of C 127 (C 127/D, paragraph 17.3)

1.6 In this regard, the Committee noted that C 127 had:

- .1 agreed to the use of hybrid facilities to complement in-person meetings from September 2022, for a trial period of one year;
- .2 agreed that the Rules of Procedure and the *Interim guidance to facilitate remote sessions of the IMO Council during the COVID-19 pandemic* (MSCLEG-MEPC-TCC-FAL.1/Circ.1), as appropriate, should be applied and that only representatives of the Members attending the meeting in person at IMO Headquarters would be allowed to vote; and
- .3 invited other organs of the Organization to follow the above decisions and to report to a future session of the Council on their experience with hybrid meetings.

1.7 In this connection, the Committee recalled that, as per Article 30 of the IMO Convention, the Committee shall adopt its own rules of procedure, and agreed the following:

- .1 as per the current Rules of Procedure of the Committee and the *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic*, adopted by the committees at the ALCOM meeting in September 2020, for this hybrid session, a Member State would be considered "present" for the purposes of rule 28(1) if they were either physically present in the Main Hall, or registered and participating remotely online using the hybrid system; and
- .2 any voting by secret ballot would take place in person only.

Adoption of the agenda

1.8 The Committee adopted the provisional agenda (FAL 47/1) and agreed to be guided in its work, in general, by the annotations contained in document FAL 47/1/1 and by the provisional timetable (FAL 47/1/1, annex, as revised).

Credentials

1.9 The Committee noted that the credentials of 93 delegations attending the session were in due and proper form.

Expressions of condolence

1.10 The Committee noted with great sadness the recent passing of Mrs. Mandana Mansoorian of the Islamic Republic of Iran, the former Vice-Chair of the Technical Cooperation Committee and long-time Deputy Permanent Representative of the Islamic Republic of Iran to IMO. The Committee appreciated her contribution to the work of the Organization, expressed its condolences to the Mansoorian family and the delegation of the Islamic Republic of Iran, and requested that its sincere sympathy be conveyed to her family and colleagues.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Committee noted the information provided in document FAL 47/2 (Secretariat), in relation to the outcome of C 127, C 128, MEPC 78, MEPC 79, MSC 106, TC 72, NCSR 9 and III 8 on matters of relevance to its work and decided to consider the various issues which warranted action by the Committee under the relevant agenda items.

Ongoing military conflict between the Russian Federation and Ukraine and its effects on international shipping and seafarers

2.2 The Committee considered the information on the outcome of C 127, C 128, TC 72 and MSC 106 related to the military conflict between the Russian Federation and Ukraine.

2.3 The Committee, in considering the outcome of C 128, noted that the Council had:

- .1 encouraged the Secretary-General to continue to work on humanitarian efforts to evacuate all stranded ships and seafarers in the conflict area, including efforts to expand the Black Sea Grain Initiative to other types of ships and additional ports;
- .2 thanked the Secretary-General and the Secretariat for the important contribution to the success of the Black Sea Grain Initiative, which had been achieved through an inter-agency "One UN approach" involving relevant UN bodies, other international agencies, NGOs and the Member States concerned; and
- .3 emphasized the important contribution that the Black Sea Grain Initiative, recognized by the UN Secretary-General as a landmark agreement to help vulnerable people in every corner of the world, was making to alleviate the global food supply shortages resulting from the ongoing conflict in Ukraine.

2.4 The Committee also noted information by the Director of the Maritime Safety Division, providing an oral update on the situation and the actions IMO had been taking to support ships and seafarers affected by the conflict.

2.5 The Committee, in considering the outcome of TC 72, noted that the Technical Cooperation Committee had decided to suspend in principle the participation of the Russian Federation in any IMO technical cooperation activity either as a recipient or as a host until the Committee decided otherwise and report accordingly to the next session of the Council for its consideration.

2.6 In considering the outcome of MSC 106 on the matter, the Committee noted that MSC 106 had:

- .1 encouraged the UN Secretary-General and IMO Secretary-General to continue to work on humanitarian efforts to evacuate all stranded ships and seafarers in the conflict area, including efforts to expand the Initiative to other types of ships and additional ports;
- .2 thanked the Secretary-General and the Secretariat for the important contribution to the success of the Black Sea Grain Initiative, in particular the key roles played by the Director of the Legal Affairs and External Relations Division and the Special Advisor to the Secretary-General on Maritime Security;
- .3 noted the success to date of the Black Sea Grain Initiative, which had been achieved through an inter-agency "One UN approach" involving relevant UN bodies, other international agencies, NGOs and the Member States concerned;
- .4 emphasized the important contribution that the Black Sea Grain Initiative was making to alleviate the global food supply shortages resulting from the ongoing conflict in Ukraine;
- .5 recalled that the Black Sea Grain Initiative had been recognized by the UN Secretary-General as a landmark agreement to help vulnerable people in every corner of the world; and
- .6 adopted resolution MSC.519(106) on *Member States' obligations in connection with search and rescue services under the SOLAS and SAR Conventions in the context of armed conflicts*.

2.7 The Committee considered documents FAL 47/2/1 (Ukraine), on *Impact of the Russian Federation's invasion of Ukraine on the freedom of navigation in the Black Sea, the Sea of Azov and the Kerch Strait*, and FAL 47/2/2 (Russian Federation), commenting on document FAL 47/2/1, as well as information provided orally by Ukraine and the Russian Federation. The full text of the relevant statements made by the delegations of Ukraine and the Russian Federation is set out in annex 14.

2.8 In the ensuing discussion, the Committee noted, inter alia, the following views:

- .1 the Russian Federation's unprovoked and unjustified war of aggression against Ukraine should be condemned in the strongest possible terms;
- .2 the Russian Federation must cease all military operations in Ukraine and immediately withdraw its military from Ukrainian territory;
- .3 the Russian Federation's armed aggression against Ukraine was a violation of the territorial integrity and sovereignty of Ukraine, extending to its territorial waters. It was inconsistent with the principles of the UN Charter as well as

-
- the purposes of the Organization as set forth in Article 1 of the IMO Convention, and represented a grave danger to life and a serious risk to the safety of navigation and the marine environment;
- .4 the commitment to Ukraine's sovereignty and territorial integrity, and solidarity with Ukraine and the Ukrainian people, whose lives had been affected by Russia's war of aggression, would continue for as long as it took for Ukraine to regain full sovereignty;
 - .5 the illegal and immoral full-scale invasion by the Russian Federation had now been going on for over a year, and involved the unacceptable targeting of civilians and civilian infrastructure, the prohibited use of weapons and indiscriminate attacks;
 - .6 the Secretary-General and the Secretariat were thanked for the action taken to ensure the safety of shipping and seafarers in the area affected by the conflict and asked to continue to provide information to the Committee on initiatives taken;
 - .7 the Russian Federation should refrain from all actions that created risks to the safety and security of maritime transport in the region;
 - .8 the implementation of the FAL Convention in the maritime areas of the Black Sea, the Sea of Azov and the Kerch Strait was compromised, and the Russian Federation should be called upon to fulfil its obligations under relevant international conventions and treaties, to ensure the free navigation of ships in accordance with international law;
 - .9 the Russian Federation's war against Ukraine was endangering the freedom of international navigation in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait, as well as the safety and well-being of seafarers and commercial vessels;
 - .10 requests were made for the harassment of seafarers in the affected area to cease immediately;
 - .11 the UN, Türkiye and all other parties involved, including the Joint Coordination Centre, were thanked for the success of the Black Sea Grain Initiative to date, which had made a significant difference to helping to alleviate global food shortages and had allowed more than 23 million tons of various grain products to reach regions where it was most needed; however, concern was expressed with regard to the number of ships and seafarers still stranded in the conflict area;
 - .12 the Black Sea Grain Initiative should be automatically extended and expanded to include other ports and types of cargo;
 - .13 a blue safe maritime corridor should be established to allow safe passage and protection of merchant ships detained in the conflict zone, regardless of the type of cargo and the ports in which they were currently located;
 - .14 diplomatic efforts were needed to resolve the conflict;

- .15 the Secretary-General should be encouraged to redouble his efforts to ensure that ships stranded in the area could depart safely; and
- .16 the Committee was invited to consider the need to ensure the effectiveness of the implementation of decisions taken in order to combat impunity; removing Russia from its seat at the IMO Council would be a next logical step in this direction, so as to avoid undermining IMO's credibility and effectiveness by the participation of a State violating international law in the decision-making and policy shaping of the Organization.

2.9 The full text of statements made by the delegations of Australia, Canada, Finland, France, Georgia, Germany, Greece, Ireland, Italy, Japan, Poland, Portugal, Spain, Sweden, Türkiye, the United Kingdom and the United States is set out in annex 14. The intervention by the delegation of Sweden, speaking on behalf of the EU, was also supported by the delegations of Belgium, Cyprus, Denmark, Latvia, Malta, the Kingdom of the Netherlands, Norway, the Republic of Korea, Romania and Slovenia and the EC observer.

2.10 The delegation of the Russian Federation specifically requested that the following views be reflected in the report:

- .1 the issues discussed were political in nature and should not be discussed by the Committee or the Organization as they fell outside its remit;
- .2 the reference to a blockade of ships in Ukrainian ports by the Russian Federation was incorrect and the Russian Federation was committed to ensuring safe departure of all commercial ships and their crews stranded in the region. For this purpose, the Russian Federation had provided a special humanitarian corridor;
- .3 the Black Sea Grain Initiative was part of a larger package and the Russian Federation called for all parts of the agreement to be fulfilled;
- .4 the Russian border guards had never been involved in discriminatory actions. Any possible loss of time for ships in approaches to the Kerch Strait was due to the specific procedure for transiting through the Kerch-Yenikale Canal and complicated hydro-meteorological and navigational conditions in the area;
- .5 the Kerch Strait did not have, and had never had, the legal status of an international passage; and
- .6 the Russian Federation had repeatedly informed IMO that the maritime safety of these waters was fully ensured by the Russian Federation and that the Russian Federation took its obligations under IMO instruments very seriously.

2.11 In the ensuing discussion, the Secretary-General, having stated that the military conflict which started on 22 February 2022 was extremely regrettable, expressed his deep appreciation and thanks to the relevant parties involved in the Black Sea Grain Initiative, in particular Türkiye. He also stated that the Organization was extremely concerned about the safety and safe departure of the ships stranded in various ports of Ukraine; that he had received correspondence from the Transport Ministries of the Russian Federation and Ukraine confirming safe passage for the stranded ships; but that, to ensure the safety of those ships and provide assurance to the insurance industry, he was awaiting official assurance from the Foreign Ministries of the Russian Federation and Ukraine. He pointed out that the renewal of the Black Sea Grain Initiative on 18 March 2023 was essential, but subject to very delicate political and military negotiations; that the Organization was a direct stakeholder in the matter

owing to its responsibility for international shipping and he remained very concerned about the impact of the conflict on shipping and in particular on innocent seafarers; that the relevant parties should make all efforts to resolve the situation; and that he would redouble his own efforts to contribute to a solution acceptable to all involved.

2.12 Following consideration, the Committee:

- .1 strongly condemned the Russian Federation's armed aggression against Ukraine that started in 2014 and took the form of a full-scale invasion on 24 February 2022, which was a violation of the territorial integrity and the sovereignty of a UN Member State, extending to its territorial waters, and inconsistent with the principles and purposes of IMO, as well as the 1965 Convention on Facilitation of International Maritime Traffic;
- .2 expressed grave concern over the impact of the Russian Federation's war against Ukraine on the freedom of international navigation in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait, and on the safety and well-being of seafarers and commercial vessels;
- .3 expressed concern that the aforementioned armed invasion by the Russian Federation and its attacks against commercial vessels compromised the implementation of the FAL Convention in the maritime areas of the Black Sea, the Sea of Azov and the Kerch Strait, including through the harassment of seafarers;
- .4 demanded that the Russian Federation immediately cease the use of force against Ukraine, withdraw all of its troops from Ukraine, and abide by its obligations under relevant international treaties and conventions, so as to ensure navigation rights and freedoms of vessels in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait, in accordance with international law;
- .5 noted that the launch of the Black Sea Grain Initiative in 2022, which was vital to managing global food prices and supply, also allowed a significant number of vessels blocked in Ukrainian ports by Russian Armed Forces to leave the area of hostilities, and demand from the Russian Federation not to impede its continued implementation;
- .6 urged the parties of the Black Sea Grain Initiative to automatically renew it after 18 March 2023 and to expand its scope in terms of adding new types of cargo and ports in Mykolaiv and Kherson regions, to make possible the safe evacuation of other stranded ships and seafarers remaining in the Black Sea region;
- .7 encouraged the Secretary-General, in collaboration with all parties involved, to redouble his efforts to ensure the departure of vessels blocked in Ukrainian ports in the Black Sea and the Sea of Azov, once the Russian Federation had provided explicit non-attack guarantees, and keep Member States informed of developments; and
- .8 agreed to keep this matter under review and invited Member States concerned to provide relevant reports to the Committee.

Greater public access to information

2.13 The Committee recalled the decisions of FAL 43 concerning measures to allow greater public access to information at IMO (FAL 43/20, paragraph 2.3).

2.14 In this regard, the Committee recalled the decision of FAL 46 that all Secretariat documents for FAL 47 would be made publicly available prior to the meeting, and agreed to revisit the matter when considering the items to be included in the agenda for FAL 48 (see paragraph 19.7).

3 CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE CONVENTION

3.1 The Committee recalled that FAL 46 had approved the draft amendments to recommended practice 7.11 regarding combating illicit activities, for circulation in accordance with the provisions of article VII(2)(a) of the Convention, as set out in the annex to document FAL 47/3, with a view to adoption at the present session (FAL 46/24, paragraph 4.15 and annex 2).

3.2 The Committee also recalled that the proposed amendments had been circulated to all IMO Member States and Contracting Governments to the FAL Convention under cover of Circular Letter No.4656 of 18 November 2022.

3.3 The Committee established a Working Group on Facilitation Instruments and instructed it, taking into account the relevant discussions and decisions in plenary, to finalize, with a view to adoption, the text of the draft amendments to the annex to the FAL Convention, together with the associated draft FAL resolution.

3.4 Having received the report of the Working Group (FAL 47/WP.5), the Committee, without further debate, unanimously adopted, on 17 March 2023, by resolution FAL.15(47), and in accordance with article VII(2)(a), amendments to the annex to the Convention. Resolution FAL.15(47), with the text of the adopted amendments annexed thereto, is set out in annex 1.

Date of entry into force of the amendments

3.5 The Committee also unanimously decided that the said amendments should enter into force, in accordance with article VII(2)(b), on 1 January 2025, unless, prior to 1 October 2024, at least one third of the Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments.

Instructions to the Secretariat

3.6 The Committee instructed the Secretariat, when preparing the authentic and certified texts of the amendments in the official languages and in the official translations, to effect any editorial corrections that might be identified, and to bring to the attention of the Committee any errors or omissions requiring action by the Contracting Governments.

3.7 The Chair, in congratulating the Committee for adopting the amendments, emphasized the valuable contribution which the amendments would make to the Contracting Governments' efforts to facilitate international maritime traffic.

Correction of errors in resolution FAL.14(46)

3.8 The Committee recalled that in relation to the amendments adopted by FAL 46, the Committee had instructed the Secretariat, when preparing the authentic and certified texts of the amendments in the official languages and in the official translations, to effect any editorial corrections that might be identified, and to bring to the attention of the Committee any errors or omissions requiring action by the Contracting Governments.

3.9 The Committee noted that the Bureau of the Universal Postal Union (UPU), a specialized agency of the UN focusing on postal matters, had pointed out to the Secretariat that the reference to Standard 2.1 h) included in resolution FAL.14(46) was incorrect.

3.10 The Committee agreed to align Standard 2.1 h) with applicable UPU regulations, and consequently, to replace:

- .1 Standard 2.1 h), "the special declaration for postal items as described in the Acts of the Universal Postal Union currently in force", with "the delivery bill for mail consignment as described in the Acts of the Universal Postal Union, the Universal Postal Convention and its Regulations currently in force"; and
- .2 the footnote in Standard 2.1 h), "Refer to Article 20-001 of the Regulations to the Universal Postal Convention" with "Refer to Article 17-134 and 17-230 of the Regulations to the Universal Postal Convention",

and requested the Secretariat to use the normal procedure for correction, i.e. a correction of the certified copy of resolution FAL.14(46).

3.11 The Committee further considered the recommendation of the Working Group on Facilitation Instruments (FAL 47/WP.5), who had noted one editorial mistake in the annex to the FAL Convention in resolution FAL.14(46), regarding the reference to recommended practice 2.3.1 in recommended practice 2.3.4.1.

3.12 The Committee agreed to delete the reference to recommended practice 2.3.1 in recommended practice 2.3.4.1 since the provision no longer existed and requested the Secretariat to add this to the corrections of the certified copy of resolution FAL.14(46) referred to in paragraph 3.10.

4 REVIEW AND UPDATE OF THE ANNEX TO THE FAL CONVENTION

4.1 The Committee recalled that FAL 45, having approved the amendments to the annex to the FAL Convention, had agreed not to include in the new version of the annex those aspects related to the cargo declaration. FAL 45 had also approved a work plan for developing the relevant amendments regarding the cargo declaration and re-established the Correspondence Group on the Review and Update of the Annex of the FAL Convention to consider the issue further.

4.2 The Committee also recalled that FAL 46 had considered the report of the aforementioned Correspondence Group and that no decision as regards the cargo declaration had been made at that time and that any future work on the matter would have to be discussed under a new output. The Committee had further agreed that the proposal for a new output should take into consideration the following lessons learned and outstanding issues related to the cargo declaration:

- .1 requirements of cargo declarations were implemented differently in different jurisdictions;

- .2 the active involvement of the World Customs Organization (WCO) was considered necessary to determine the information that should go into a single declaration to meet the needs of customs authorities, preferably at a level above the technical level of the Data Model Projects Team, given that the matter at hand involved policy decisions;
- .3 a single declaration/manifest for cargo should be established in order to avoid duplication, through coordination and cooperation between IMO and WCO; and the technical matters should be discussed in detail by EGDH;
- .4 although there was a majority in favour of using the name "cargo manifest" for the revised declaration of cargo, the implications of such naming should be further analysed, given that it had not been possible to reach a consensus on the matter; and
- .5 a "grand total list" of cargo information, compiling information from the manifest and the cargo declaration, the advance security information, the dangerous goods manifest and the declaration for cargo remaining on board, could be considered and developed, as appropriate.

4.3 The Committee recalled that FAL 46 had requested the Secretariat to consult with the WCO Secretariat on the way forward regarding the cargo declaration matter, in order to make the necessary preparations in advance, so that the matter could be considered under a new output in the future. The Committee noted that the Secretariat was in conversation with the WCO Secretariat in this regard and requested them to report back to the Committee as appropriate in due time.

4.4 The delegation of the Republic of Korea recalled that, at FAL 46, they had expressed their interest in including relevant provisions concerning the designation of maritime traffic employees as key workers in the FAL Convention to facilitate maritime traffic and protect the human rights of those key workers during pandemic situations. They also recalled that FAL 46 had agreed that the matter should be discussed under a new output and, therefore, had invited interested Member States and international organizations to submit relevant proposals. They stated that they had not been able to submit such a proposal to this session however, owing to various reasons, and invited interested Member States and international organizations to contact the Republic of Korea to prepare a proposal to FAL 48.

5 REVIEW AND UPDATE OF THE EXPLANATORY MANUAL TO THE FAL CONVENTION

5.1 The Committee recalled that FAL 43 had approved a new version of the Explanatory Manual to the FAL Convention (FAL.3/Circ.215), including the amendments to the annex to the FAL Convention adopted by FAL 40 (resolution FAL.12(40)).

5.2 The Committee further recalled that FAL 46 had adopted, by resolution FAL.14(46), amendments to the annex to the FAL Convention in accordance with the provisions of article VII(2)(a), and agreed to move the output "Review and update the Explanatory Manual to the FAL Convention" from the post-biennial agenda and include it in the agenda for FAL 47.

Instructions to the Working Group on Facilitation Instruments

5.3 The Committee instructed the Working Group on Facilitation Instruments, established under agenda item 3, taking into account resolution FAL.14(46), FAL.3/Circ.215 and FAL 47/WP.9, and the comments and decisions made in plenary, to:

- .1 review the Explanatory Manual to the FAL Convention; and
- .2 consider whether it was necessary to establish a correspondence group and, if so, prepare terms of reference for consideration by the Committee.

Consideration of the report of the Working Group

5.4 Having considered the report of the Working Group (FAL 47/WP.5), the Committee approved it in general and took action as indicated below.

5.5 The Committee, having noted the progress made by the Group on reviewing the Explanatory Manual, noted in particular that the following sections needed to be further reviewed by other organizations:

- .1 provisions 2.10, 2.25, 3.7, 3.8, 3.20 and section 6, to be reviewed by WHO;
- .2 provisions 4.11.2, 4.11.3 and 4.14.3, to be reviewed by UNHCR;
- .3 section 5, to be reviewed by WCO;
- .4 provision 6.1.1, to be reviewed by WOA; and
- .5 provisions 6.1.1 and 6.3, to reviewed by IPPC.

Terms of reference of the Correspondence Group on the Review of the Explanatory Manual to the FAL Convention

5.6 The Committee approved the following terms of reference for the intersessional Correspondence Group on the Review of the Explanatory Manual to the FAL Convention, under the coordination of France:¹

- .1 further review the Explanatory Manual to the FAL Convention, focusing in particular on the new or substantially amended provisions, harmonizing some elements and terms and checking the cross references, based on annex 2 to document FAL 47/WP.5;
- .2 review the comments from other organizations on the relevant sections of the Explanatory Manual to the FAL Convention, if received; and
- .3 submit its report in time for consideration by the next session of the Committee.

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5.7 The Committee requested the Secretariat to contact the secretariats of WHO, UNHCR, WCO, WOH and IPPC to inform them about the ongoing work on the review of the Explanatory Manual to the FAL Convention and invite them to provide their drafting suggestions on the relevant provisions listed in paragraph 5.5, with a view to being considered by the Correspondence Group on the Review of the Explanatory Manual to the FAL Convention.

6 APPLICATION OF SINGLE WINDOW CONCEPT

6.1 The Committee recalled that FAL 46 had approved a revised version of the *Guidelines for setting up a maritime single window* (MSW Guidelines) (FAL.5/Circ.42/Rev.2) and that the application of the single window concept to ship reporting in the context of the FAL Convention (i.e. Standard 1.3*quin*) would be mandatory as from January 2024.

6.2 Having recalled that a GISIS module was available to collect updated information on MSW and other related single windows implemented by Member States, the Committee noted that only eight countries had completed the information in the module and encouraged other Member States to provide the information requested in GISIS.

Update on initiatives to support the implementation of maritime single window systems

6.3 The Committee noted document FAL 47/6 (Secretariat), providing an update on the initiatives taken by the Secretariat to support Member States in implementing a maritime single window (which would become mandatory in January 2024). These initiatives included the two events organized by the Secretariat in partnership with IAPH and BIMCO to raise awareness of the deadline for implementation of the MSW and to share hands-on experience from Member States in the implementation process, namely a webinar in October 2022 and a symposium in January 2023, as well as the development of an open access e-learning course on implementation of MSW, which was expected to be available by June 2023 on the IMO e-learning platform.

6.4 The Committee also noted document FAL 47/6/5 (IAPH and BIMCO) reporting on the outcome of the IMO Symposium "Maritime Single Window 2024 – A window of opportunities", organized by IMO in partnership with IAPH and BIMCO and with the support of IPCSA, and document FAL 47/6/4 (ISO et al.) including recommendations proposed by the co-sponsors based on the discussions held in the workshop on international MSW implementation held in Oslo in October 2022.

FAL resolution on available resources relevant to effective implementation of an MSW

6.5 The Committee considered document FAL 47/6/1 (Angola et al.) proposing a draft FAL resolution on the available resources relevant to the effective implementation of an MSW which would assist Contracting Governments to the FAL Convention in fulfilling their obligations to implement mandatory single window systems by 1 January 2024.

6.6 During the ensuing discussion, the Committee noted the following views:

- .1 the proposed resolution would act as a catalyst for Caribbean Contracting Governments to the FAL Convention, as they pursued a solution to fulfil their obligations for the implementation of an electronic system for ship clearance that would reduce the administrative burden on shipping;

- .2 maritime single windows fostered the efficiency of port traffic once the information on arriving and departing ships, their cargo and passengers was reported well in advance to just one hub in electronic format which was available to all stakeholders in the maritime domain;
- .3 the maritime single window would allow effective delivery of requirements of the FAL Convention and that, given that the mandatory single window systems needed to be implemented by 1 January 2024, public awareness and smooth implementation by all Member States would be essential;
- .4 the resolution should encourage national single windows which utilized the IMO Compendium on Facilitation and Electronic Business to ensure – as far as possible – harmonization, interoperability and conformity of the different maritime single windows established worldwide;
- .5 creating a collaborative platform with contributions from interested Member States and supervised by IMO to exchange information on the implementation of MSW or its improvement, including the electronic signature function and the just-in-time (JIT) function, would be advisable to share experiences and lessons learned and assist other countries;
- .6 the information shared by Member States with the lessons learned and the benefits of establish MSW should be available in all working languages of the Organization;
- .7 digitalization of shipping is beneficial for trade and that developing harmonized systems was a key issue;
- .8 risks of using digitalized systems, in particular cyber risks in relation to the use of MSWs, should be considered.

6.7 The Committee agreed to develop a FAL resolution on the available resources relevant to the effective implementation of a maritime single window and to refer document FAL 47/6/1 to the Working Group on Electronic Business, to finalize the draft resolution on recommended actions to accelerate the implementation of MSW systems.

Proposal to amend the Guidelines for setting up a maritime single window

6.8 The Committee considered the following documents:

- .1 FAL 47/6/3 (China), proposing amendments to the MSW Guidelines (FAL.5/Circ.42/Rev.2) to include in the single window system a function to provide feedback on port logistics information to the shipping industry (e.g. masters and ship agents). The document also proposed that Member States be encouraged to reuse available data from the last port to reduce the ship's declaration; and
- .2 FAL 47/INF.2 (China), providing further details of the practice of reusing transit data via the single window which allowed the business data, as well as the attachments for the last port declaration, to be directly reused for the declaration in the next port inbound.

- 6.9 During the ensuing discussion, the Committee noted the following views:
- .1 to include feedback to ships relevant to arrival and departure in an MSW, as a two-way communication system, could increase efficiency by avoiding port congestion and enhance utilization of shipping resources;
 - .2 the proposed feedback function should remain voluntary in nature and be encouraged for Member States depending on their state of technological advance. In addition, the organization of workshops and the dissemination of best practices in this area would be helpful so that Member States could take into account this practice when planning how to develop their MSW;
 - .3 the feedback mechanism could enhance the role of MSWs and facilitate the work of shipowners, operators, agents and masters, but priority should be given to reporting formalities stemming from the existing applicable legislation;
 - .4 consideration should be given to the alignment with the *Guidelines for harmonized communication and electronic exchange of operational data for port calls*; and
 - .5 the feedback function could be very useful to ports and to JIT implementation but the possible approaches needed careful examination.

6.10 The Committee supported, in general, the amendments proposed in document FAL 47/6/3, and agreed to refer documents FAL 47/6/3 and FAL 47/INF.2 to the Working Group on Electronic Business, for detailed consideration and to prepare a revised version of circular FAL.5/Circ.42/Rev.2, if deemed appropriate.

Implementation of maritime single window in Chile

6.11 The Committee noted the information provided in document FAL 47/6/2 (Chile), reporting on the progress made by Chile in the implementation of the MSW and that Chile's experience was available to those countries interested in implementing a similar platform, for which Chile offered assistance through the various channels for technical cooperation.

Implementation of single window platform at Indonesia's ports

6.12 The Committee noted the information provided in document FAL 47/INF.4 (Indonesia) on the experience of Indonesia in implementing the single window concept in the country as well as other initiatives to reduce the administrative burden on shipping and to increase port performance.

6.13 The observer from UNECE stated that IMO was the first international organization that had introduced the single window concept and highlighted the set of policy recommendations, data exchange standards and implementation guidelines to establish and implement the single window developed by UNECE, which ensured open standards were internationally recognized and adopted, and supported interoperability at all levels, including semantic, data and technical levels. UNECE also expressed its readiness to provide technical assistance and capacity-building to implement a maritime single window, in line with international standards.

Establishment of a Working Group on Electronic Business

6.14 The Committee established the Working Group on Electronic Business and instructed it, taking into account the decisions taken and comments made in plenary, to:

- .1 finalize the draft FAL resolution on recommended actions to accelerate the implementation of the maritime single window, based on document FAL 47/6/1; and
- .2 consider documents FAL 47/6/3 and FAL 47/INF.2 and prepare a revised version of the *Guidelines for setting up a maritime single window* (FAL.5/Circ.42/Rev.2), if deemed appropriate.

Report of the Working Group

6.15 Having considered the relevant part of the Working Group's report (FAL 47/WP.7), the Committee approved it in general and took action as indicated below:

Recommended actions to accelerate MSW implementation

6.16 The Committee adopted resolution FAL.16(47) on *Recommended actions to accelerate the implementation of a maritime single window*, as set out in annex 2.

Amendments to the MSW Guidelines

6.17 The Committee, having noted that the Group had agreed to introduce the feedback function concept in section 5.2 "Conceptual architecture" which recommended an open architectural vision geared to the future, approved FAL.5/Circ.42/Rev.3 on *Revised guidelines for setting up a maritime single window*.

7 REVIEW AND REVISION OF THE IMO COMPENDIUM ON FACILITATION AND ELECTRONIC BUSINESS, INCLUDING ADDITIONAL E-BUSINESS SOLUTIONS

Funding of the IMO Compendium on Facilitation and Electronic Business

7.1 When considering the sustainability of the IMO Compendium, the Committee recalled that:

- .1 FAL 46 had approved a new version of the IMO Compendium (FAL.5/Circ.45) and that the costs of the IMO Compendium in 2022 had been covered by Germany (€15,000) and by IMO's TCD Maritime Development and Blue Economy global programme (US\$50,000); and
- .2 the funds for the project on the IMO Compendium for 2023 were provided by Germany (€15,000), Finland (€15,000) and the IMO TCD Maritime Development and Blue Economy global programme (US\$50,000). The funds would support the various costs associated with the maintenance and extension of the IMO Compendium, which included the use of a specialized software to manage data models, modelling work to update the data model, and the maintenance and update of the HTML and Excel versions of the Compendium.

7.2 The Committee expressed its deep appreciation to Germany and Finland for providing funds for 2023 to support the project on the IMO Compendium and encouraged Member States and international organizations to provide funds for the period 2024-2026, in order to guarantee its sustainability. After this period, the IMO Compendium would be mature and the Committee would be in a good position to assess the benefits of the IMO Compendium and decide on the way forward in terms of the resources needed.

Reports of the Expert Group on Data Harmonization (EGDH)

7.3 The Committee recalled that FAL 45 had approved two meetings of EGDH in 2022, the first one immediately after FAL 46 (EGDH 6) and the second in the second half of 2022 (EGDH 7), subject to endorsement by the Council.

7.4 The Committee recalled further that FAL 46 had approved:

- .1 an updated priority list of data sets to prioritize the work of EGDH; and
- .2 the same terms of reference for EGDH.

7.5 The Committee noted with appreciation the reports of EGDH (FAL 47/7), and in particular the work carried out by its Chair, Mr. Mikael Renz (Sweden), and the participants of the Group.

7.6 Having considered the reports and the action requested, the Committee approved the reports of EGDH 6 and EGDH 7 in general, and in particular:

- .1 noted the proposed extension of the IMO Identification Number Scheme and the concerns raised by EGDH 6 (FAL 47/7, paragraph 3.1);
- .2 noted that the Group had informed the NCSR Sub-Committee about the proposed extension of the IMO Ship Identification Number Scheme (FAL 47/7, paragraph 3.2);
- .3 noted the discussions on the sub-model approach for the extension of the IMO Compendium (FAL 47/7, paragraph 3.3);
- .4 noted the discussions on the just-in-time arrival use case sub-model (FAL 47/7, paragraph 3.4);
- .5 noted the progress made and discussions regarding the IMO data set related to verified gross mass (FAL 47/7, paragraph 3.5);
- .6 noted the discussions regarding the IMO data set related to "Container Inspection Programme" (FAL 47/7, paragraph 3.6);
- .7 noted the Group's discussion on the urgency to include proper references to locations in the IMO Compendium to achieve MSW harmonization and standardization (FAL 47/7, paragraph 3.7);
- .8 urged Member States to use the IMO Compendium when implementing single windows to ensure harmonization of MSWs (FAL 47/7, paragraph 3.8);

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- .9 noted that the Group had informed the NSCR Sub-Committee about the ongoing work on locations (FAL 47/7, paragraph 3.9);
- .10 agreed to inform IHO relevant bodies about the work of the Committee on the IMO Compendium in order to raise interest in and understanding of the intersection between the IMO reference data model and the S-100 product specifications (FAL 47/7, paragraph 3.10);
- .11 agreed to organize a meeting between IHO and IMO to discuss how to best map the relevant S-131 information to the IMO reference data model (FAL 47/7, paragraph 3.11);
- .12 added a standing agenda item to the EGDH provisional agenda to cover collaboration with IHO (FAL 47/7, paragraph 3.12);
- .13 agreed to inform MSC and the NSCR Sub-Committee about the intention of EGDH to strengthen collaboration with IHO on the S-100 product specifications (FAL 47/7, paragraph 3.13);
- .14 agreed to review the priority list of data sets to facilitate the identification of further needs of data sets in the Organization (FAL 47/7, paragraph 3.18);
- .15 agreed to increase communication regarding the Compendium with all committees and sub-committees and interested stakeholders, in particular to deliver presentations of new data sets in relevant IMO meetings (FAL 47/7, paragraph 3.19);
- .16 noted that sub-models would be created in the IMO reference data model to reduce its complexity and facilitate its maintenance (FAL 47/7, paragraph 3.20);
- .17 noted that implementing the JIT concept had benefits in terms of efficiency and emissions reduction and should be encouraged as part of the digitalization of the port call process, beyond administrative ship clearance (FAL 47/7, paragraph 3.21);
- .18 noted the implications for the IT systems and the impact study to be carried out to assess the implications of the proposed format extension of the IMO ship number beyond seven digits across stakeholders and a report would be produced to inform the decision-making process that would follow, including any possible alternatives and options to consider (FAL 47/7, paragraph 3.22);
- .19 noted the recommendation of the Group to update the explanatory text in the IMO Compendium regarding its purpose and use and to clearly identify the data sets in the scope of the MSW (FAL 47/7, paragraph 3.23); and
- .20 agreed to inform the HTW Sub-Committee about FAL's work on the IMO Compendium and the development of the code list on crew ranks and ratings (FAL 47/7, paragraph 3.24).

7.7 The Committee recalled that the actions related to the API and PNR concept of document FAL 47/7, paragraphs 3.14 to 3.17, had already been dealt with under agenda item 14 (see paragraphs 14.3 to 14.6).

7.8 In respect of the report mentioned in paragraph 7.6.18 above, Member States were encouraged to participate in the impact assessment survey available in Circular Letter No.4690² of 6 February 2023, which was open until 31 May 2023.

7.9 The Committee further agreed to forward document FAL 47/7 to the Working Group on Electronic Business for detailed consideration.

New version of the IMO Compendium

7.10 The Committee noted that five data sets had been finalized and would be included in the new version of the Compendium, if agreed, as follows:

- .1 IMO data set related to ballast water arrival reporting (FAL 47/7/1);
- .2 IMO data set related to waste delivery receipt (FAL 47/7/2);
- .3 IMO data set related to verified gross mass (FAL 47/7/3);
- .4 IMO data set related to advance passenger information (FAL 47/7/4);
- .5 Just-in-time arrival sub-model (FAL 47/7/5); and
- .6 amendments to the IMO data set and IMO reference data model (FAL 47/7/6).

7.11 The Committee also noted that, to facilitate its review, the Secretariat had prepared document FAL 47/WP.8, based on the outcome of EGDH and the modelling teamwork, which provided the new draft version of the IMO Compendium in both HTML and Excel publication formats.

7.12 The Committee agreed to forward documents FAL 47/7/1, FAL 47/7/2, FAL 47/7/3, FAL 47/7/4, FAL 47/7/5, FAL 47/7/6 and FAL 47/WP.8 to the Working Group on Electronic Business for detailed review, with a view to approving a new version of the Compendium.

Application of the IMO Compendium

7.13 The Committee considered document FAL 47/INF.3 (China and Singapore) on information-sharing on the China-Singapore e-certificate data exchange pilot project as an example of the use of the IMO Compendium.

7.14 The Committee encouraged other Member States to use the IMO Compendium for projects on electronic data exchange and report back to the Committee.

Instructions to the Working Group on Electronic Business

7.15 The Committee instructed the Working Group on Electronic Business, already established under agenda item 6, taking into account the comments made and decisions taken in plenary and documents FAL 47/7, FAL 47/7/1, FAL 47/7/2, FAL 47/7/3, FAL 47/7/4, FAL 47/7/5, FAL 47/7/6, FAL 47/INF.3 and FAL 47/WP.8, to:

- .1 finalize the new version of the IMO Compendium on Facilitation and Electronic Business;

² <https://forms.office.com/r/5b8JJBfjnm>

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- .2 review the priority list of data sets to facilitate the identification of further needs of data sets in the Organization; and
 - .3 prepare new terms of reference for EGDH.

Report of the Working Group

7.16 Having considered the relevant part of the Working Group's report (FAL 47/WP.7), the Committee approved it in general and took action as indicated below.

IMO Compendium

7.17 The Committee approved FAL.5/Circ.51 on *IMO Compendium on Facilitation and Electronic Business*.

7.18 The Committee agreed to inform MEPC about the two new data sets included in the Compendium on "Waste delivery receipt" and "Ballast water arrival reporting" relevant to the work of the Committee.

7.19 The observer from WSC expressed their concern about the fact that within the VGM data set, there was no clear distinction between mandatory and non-mandatory (optional) elements which went beyond the requirements of SOLAS regulation VI/2 and the MSC Guidelines regarding the verified gross mass of a container carrying cargo (MSC.1/Circ.1475), thus creating a tangible risk of misunderstanding and misapplication of the relevant regulation through the relevant IT systems to be designed. WSC, while recognizing the intention of the VGM data set to facilitate the electronic transmission of these optional elements, stated further that such inclusion risked ending up with having software that implemented the entire VGM data set as a standardized "de facto requirement" that went beyond SOLAS and in this way causing potential business disruption for shippers, carriers and the supply chain, and creating a false expectation that the entire data set was a mandatory requirement; WSC noted that this might also be a concern regarding other data sets. WSC further highlighted that the flow of information on the VGM was important in the context of ensuring ship stability and for the prevention of loss of containers at sea, and urged the Committee to encourage EGDH to prioritize discussion on clarifying, within the data sets, what was regulatory and what was optional information, in order to avoid these risks, using the agreed VGM data set as a first case for the further improvement of the IMO Compendium. The full text of the statement made by observer from WSC is set out in annex 14.

Priority list of data sets

7.20 The Committee agreed to the revised priority list of data sets, as set out in annex 3.

Terms of reference of EGDH

7.21 The Committee agreed to the revised terms of reference of EGDH, as set out in annex 4.

8 CONSIDERATION OF DESCRIPTIONS OF MARITIME SERVICES IN THE CONTEXT OF E-NAVIGATION

8.1 The Committee recalled that FAL 46:

- .1 had agreed to re-establish the Correspondence Group on the Development of Guidelines on Operational Port Data; and

- .2 had instructed the Correspondence Group to review the description of Maritime Service 4 (Port support service) using document FAL 44/8 as a basis and taking into account the amendments proposed in document FAL 46/8 (IHMA), as well as the development of the IMO Compendium and submit a revised version to FAL 47.

8.2 The Committee noted with appreciation the report of the aforementioned Correspondence Group (FAL 47/9), and in particular commended the work carried out by its coordinator, Mr. Gavin Yeo (Singapore).

Instructions to the Working Group on Electronic Business

8.3 The Committee instructed the Working Group on Electronic Business, already established under agenda item 6, taking into account document FAL 47/9, and the comments and decisions made in plenary, to finalize the description of Maritime Service 4.

8.4 The Committee agreed to move the output "Consideration of descriptions of Maritime Services in the context of e-navigation" to its post-biennial agenda, in order to have the possibility to revisit it, as necessary, to review existing Maritime Services and/or include new ones.

Report of the Working Group

8.5 Having considered the relevant part of the Working Group's report (FAL 47/WP.7), the Committee approved the description of Maritime Service 4 (Port support service), as set out in annex 5.

9 DEVELOPMENT OF GUIDELINES FOR HARMONIZED COMMUNICATION AND ELECTRONIC EXCHANGE OF OPERATIONAL DATA FOR PORT CALLS

9.1 The Committee recalled that the Correspondence Group on the Development of Guidelines on Operational Port Data had been instructed by FAL 46 to continue developing guidelines for harmonized communication and electronic exchange of operational data for port calls with a view to finalizing at FAL 47, taking into consideration the IMO Compendium on Facilitation and Electronic Business as necessary.

9.2 The Committee noted with appreciation the report of the Correspondence Group (FAL 47/9).

9.3 The observer from UNECE expressed concerns that the use of GS1 Global Location Number (GLN) as the berth positioning reference in the maritime sector in the proposed guidelines as the only recommended standard included in the text might adversely affect trade facilitation because this system was a proprietary and paid service. He proposed to either remove the recommendation of only using GS1 GLN or include the United Nations Code for Trade and Transport Locations, UN/LOCODE, an international standard to identify locations in a unique and unambiguous way, as another recommended option for the vessel-berth compatibility check.

Instructions to the Working Group on Electronic Business

9.4 The Committee instructed the Working Group on Electronic Business, already established under agenda item 6, taking into account document FAL 47/9 and the comments and decisions made in plenary, to finalize the guidelines for harmonized communication and electronic exchange of operational data for port calls.

Report of the Working Group

9.5 Having considered the relevant part of the Working Group's report (FAL 47/WP.7), the Committee noted the inclusion of the UN/LOCODE plus IMO Facility Number as an additional option for the vessel–berth compatibility check, and approved the *Guidelines for harmonized communication and electronic exchange of operational data for port calls* (FAL.5/Circ.52).

10 DEVELOPMENT OF GUIDELINES ON PORT COMMUNITY SYSTEMS

10.1 The Committee, having recalled that FAL 46 had agreed to include in the 2022-2023 biennial agenda of the FAL Committee and the provisional agenda for FAL 47 an output on "Development of guidelines on Port Community Systems", with a target completion year of 2024, considered document FAL 47/10 (Djibouti et al.) providing a draft structure for the guidelines on Port Community Systems (PCS) and requesting that a correspondence group be established to finalize the guidelines for adoption by FAL 48.

10.2 In the ensuing discussion, the Committee noted, inter alia, the following views:

- .1 the development of PCS guidelines should not create a new standard system different to the maritime single window, and should be recommendatory and voluntary in nature;
- .2 the PCS guidelines would be a complementary instrument to the maritime single window system, similarly to other existing single windows, such as the customs single window, and it could help to connect maritime single windows of different countries;
- .3 the PCS guidelines should not cover aviation or other modes of transport;
- .4 the definition of PCS in the guidelines should be in line with FAL.5/Circ.42/Rev.2;
- .5 there was not a clear link between PCS and public port authorities; and
- .6 the development of the guidelines should be carried out by the existing working groups established by the Committee, in order to avoid a profusion of correspondence groups that would undermine the participation of developing countries and small delegations.

Instructions to the Working Group on Electronic Business

10.3 Following consideration, the Committee agreed to instruct the Working Group on Electronic Business, already established under agenda item 6, taking into account document FAL 47/10 and the decisions and comments made in plenary, to consider the structure of the PCS guidelines, in particular their scope and relation to the maritime single window, and advise on the way forward and, if appropriate, prepare the terms of reference for the Correspondence Group on the Development of Guidelines on Port Community Systems.

10.4 The Committee noted that if the Working Group were to recommend the establishment of a correspondence group, the result of the correspondence group's work would be considered by a working group at the next meeting of the Committee.

Report of the Working Group

10.5 Having considered the relevant part of the Working Group's report (FAL 47/WP.7), the Committee took action as indicated in the following paragraphs.

10.6 The Committee endorsed the Group's view that the PCS guidelines should complement the MSW guidelines and should not stipulate any preference concerning the scope of the MSW since this might vary depending on the country's implementation.

Terms of reference of the Correspondence Group

10.7 The Committee agreed to establish the Correspondence Group on the Development of Guidelines on Operational Port Data, under the coordination of Morocco,³ and instructed it to:

- .1 develop guidelines on Port Community Systems taking as a basis the structure proposed in annex 1 of document FAL 47/10 with a view to finalizing them at FAL 48;
- .2 ensure alignment with existing guidelines developed by the FAL Committee, in particular with the IMO *Guidelines for setting up a maritime single window* (FAL.5/Circ.42/Rev.3);
- .3 consider interoperability between the MSW and the PCS to adhere to the "reporting once only" principle; and
- .4 submit its report in time for consideration by the next session of the Committee.

11 UNSAFE MIXED MIGRATION BY SEA

11.1 The Committee recalled that in 2021 UNHCR had launched an initiative to reconstitute the Inter-Agency Group on Safety of Life at Sea, to discuss, plan and execute coordinated joint action and advocacy to support the prevention of dangerous journeys at sea, SAR activities and safe disembarkation. EOSG, ICS, ILO, IMO, IOM, OHCHR, OLA and UNODC had been invited to participate in the Group.

11.2 The Committee noted that the group had been renamed as the "Inter-agency group on protection of refugees and migrants moving by sea", to avoid confusion regarding the SOLAS Convention.

11.3 The Committee further noted that MSC 106 had adopted resolution MSC.528(106) on *Recommended cooperation to ensure the safety of life at sea, the rescue of persons in distress at sea and the safe disembarkation of survivors*.

11.4 The Committee agreed to extend this output until 2024, with the aim of keeping the Committee informed of the issue of mixed migration.

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12 CONSIDERATION AND ANALYSIS OF REPORTS AND INFORMATION ON PERSONS RESCUED AT SEA AND STOWAWAYS

Consideration and analysis of reports and information on stowaways

12.1 In terms of numbers of stowaways, the cases reported to the Organization are set out in the following table:

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022
Number of incidents	61	28	55	63	47	55	54	50	64
Number of stowaways	120	80	163	157	182	138	55	96	131

12.2 The Committee noted that in 2022, 64 stowaway cases had been reported to the Organization, involving 131 stowaways; and the total number of reports up to 31 December 2022 was 4,964, which involved 15,222 stowaways.

12.3 The Committee noted with appreciation the information provided by the International Group of P & I Clubs on their statistics on stowaway incidents, as below:

Data-collection exercises analysed data	2007/2008	2011/2012	2014/2015	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Number of incidents	842	774	503	432	364	418	364	345
Number of stowaways	1,955	1,640	1,274	1,320	919	1,234	1,050	892
Total cost (\$ million)	14.3	15.3	9.3	9.5	8.0	7.8	8.9	5.9
Cost/incident (\$ thousand)	17.0	19.8	18.5	22.0	22.0	18.6	24.4	17.1
Cost/stowaway (\$ thousand)	7.3	9.3	7.3	6.7	8.7	6.3	8.4	6.6

12.4 The Committee, having recalled resolution A.1074(28) on *Notification and circulation through the Global Integrated Shipping Information System (GISIS)*, urged Member States and international organizations to provide timely and accurate information on stowaway cases to the Organization, making use of the GISIS module in accordance with Standard 4.7.1 of the FAL Convention.

Consideration and analysis of reports and information on persons rescued at sea

12.5 The Committee noted that, since the date of the launch of the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS⁴ on 6 July 2015, only 34 incidents had been entered in the database.

⁴ Refer to Global Integrated Shipping Information System (GISIS) – Inter-agency platform for information-sharing on migrant smuggling by sea (Circular Letter No.3569).

12.6 Having noted the low level of reporting of migrant incidents at sea and on suspected smugglers and vessels, as requested by the *Interim measures for combating unsafe practices associated with the trafficking, smuggling or transport of migrants by sea* (MSC.1/Circ.896/Rev.2), the Committee encouraged Member States to provide and update the information included in the appendix via the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS.

13 MEASURES TO ADDRESS MARITIME AUTONOMOUS SURFACE SHIPS (MASS) IN THE INSTRUMENTS UNDER THE PURVIEW OF THE FACILITATION COMMITTEE

13.1 The Committee recalled that FAL 46 had agreed to include a new output "Measures to address maritime autonomous surface ships (MASS) in the instruments under the purview of the Facilitation Committee" in the 2022-2023 biennial agenda of the FAL Committee and the provisional agenda for FAL 47.

13.2 Having recalled that FAL 46 had approved FAL.5/Circ.49 on *Outcome of the regulatory scoping exercise and gap analysis of FAL Convention with respect to MASS*, the Committee noted that in doing so, among other things, the amendments to the FAL Convention approved by FAL 45 had not been considered, since they had not yet entered into force.

13.3 The Committee recalled also that MSC 105, LEG 109 and FAL 46 had agreed to establish a Joint MSC-LEG-FAL Working Group on Maritime Autonomous Surface Ships (MASS-JWG) as a cross-cutting mechanism to address common high-priority issues identified by the respective regulatory scoping exercises for the use of MASS conducted by MSC and the LEG and FAL Committees.

Report of MASS-JWG

13.4 The Committee, having considered document FAL 47/13 (Secretariat) containing the report of the first meeting of the MASS-JWG (7 to 9 September 2022), noted with appreciation the work of Mr. H. Tunfors (Sweden) for chairing and Prof. G. Goto (Japan) for co-chairing the Group and for the work done and took the following action:

- .1 noted that the Group had agreed to appoint two chairs for the MASS-JWG so as to provide a balance between the technical and the legal perspectives;
- .2 noted that the Group had agreed on organizing a seminar on legal issues, including UNCLOS, to be considered in the development of a MASS Code and MASS-related measures;
- .3 noted that the Group had agreed to use a table to identify and collect information on options for interpretation for the common issues in the instruments under the purview of the three Committees (FAL 47/13, annex 1);
- .4 noted that the contents of the table were not discussed or agreed and that Member States and international organizations had been invited to submit documents to the next MASS-JWG meeting, using the table in annex 1;
- .5 endorsed the work plan for the MASS-JWG (FAL 47/13, annex 2);
- .6 agreed to the proposal to convene two sessions of the Joint MSC-LEG-FAL Working Group on MASS in 2023;

- .7 agreed to the proposal to convene a five-day meeting of MASS-JWG 2 in spring 2023 after LEG 110, but prior to MSC 107 and FAL 47, subject to approval by the chairs of the FAL and LEG Committees and endorsement by the Council; and
- .8 agreed that the MASS-JWG could meet before all three Committees had considered its report.

Work plan and future meetings of the MASS-JWG

13.5 Regarding the work plan and future meetings of the MASS-JWG, the Committee noted that MSC 106, in considering the report of the MASS-JWG, had endorsed the recommendations of the Group, and specifically agreed, subject to concurrent approval by LEG 110 and FAL 47:

- .1 to the holding of a hybrid five-day meeting of the MASS-JWG from 17 to 21 April 2023 (in considering action item 27.7 of document FAL 47/13);
- .2 that the MASS-JWG could meet before all three Committees had considered its report(s), bearing in mind that the meeting dates of the Committees, which advanced their work on MASS at different speeds, would have an impact on the work of the Group and the scheduling of its meetings (in considering action item 27.8 of document FAL 47/13); and
- .3 to authorize the MASS-JWG to meet twice in each calendar year until decided otherwise by the three Committees, subject to endorsement by C 129 (July 2023) (in considering action item 27.6 of document FAL 47/13).

13.6 During the discussion, there was overwhelming support for the actions requested by MASS-JWG 1. The Committee, having noted and endorsed the recommendations of the MASS-JWG (see paragraphs 13.4.1 to 13.4.5), also concurred with the decisions of MSC 106 referred to in paragraph 13.5.

13.7 The Committee also noted that seminars related to MASS legal issues and technological advancements were effective means to communicate with academia, regulators and the industry and to enrich IMO's deliberations.

Progress of the work on the MASS Code by MSC and LEG

13.8 In considering the work of MSC, the Committee noted that MSC 105 (MSC 105/20, paragraph 7.10) had agreed to develop a non-mandatory goal-based Code as a first step before proceeding to the development of a mandatory Code. The Committee also noted that MSC 106 had further developed a draft non-mandatory MASS Code, and:

- .1 noted the approach to follow closely the *Generic guidelines for developing IMO goal-based standards* (MSC.1/Circ.1394/Rev.2) (Generic GBS Guidelines) when developing goals and functional requirements for the non-mandatory draft MASS Code, bearing in mind the agreement that it might not always be appropriate to use all steps of the formal safety assessment process beyond the hazard identification and that other methods could be applied for the hazard identification;

- .2 noted difficulties in the work to develop functional requirements because of the lack of concept of what constituted a MASS, and agreed that the matter needed clarification in order for functional requirements to be developed in a consistent manner;
- .3 noted that the work carried out at MSC 106 did not generate any input on common issues that would fall under the MASS-JWG. The Committee, however, agreed to inform MASS-JWG 2 of the progress made at MSC 106 and requested the Secretariat to prepare a relevant submission to the next meeting of the Joint Working Group; and
- .4 taking into account the progress made at MSC 106, also approved the revised road map for developing a goal-based Code for MASS and agreed to revised terms of reference for the MASS Correspondence Group that was established at MSC 105.

13.9 The Committee also noted that no LEG Committee meetings had taken place between FAL 46 and FAL 47 and that the next meeting of the Committee, LEG 110, would be held from 27 to 31 March 2023.

13.10 In the ensuing discussion, the Committee noted, inter alia, the following views:

- .1 seminars on MASS were useful forums to facilitate institutional learning and effective communication among the Committees;
- .2 the applicability of technological advancement to MASS operations was an important factor to be considered in future; and
- .3 proper consideration of related training and competencies to address human elements was necessary.

13.11 The delegation of Panama expressed its appreciation to Japan for organizing the "Impact of MASS on Coast Guard Functions" seminar and encouraged continuing to organize similar seminars to educate on technological advance, pilot projects, R&D on MASS vessels and other issues where academia, relevant regulatory bodies and industry met, so that the development of the Code on MASS was congruent not only with existing regulations, but also with technological developments.

13.12 The delegation of Argentina, while expressing no objection to agreeing and endorsing the courses of action proposed, expressed the view that there was a need for compatibility with UNCLOS that had already been identified in the work of the Organization on MASS. They further expressed the view that there were some overarching legal challenges, such as whether ships that did not have a crew or a master (levels of autonomy 3 and 4), as required by UNCLOS, could be taken as enjoying the freedoms at sea granted by UNCLOS, and other practical challenges, including definitions, such as master, which posed also practical questions as reflected in annex 1 of document FAL 47/13. Finally, the delegation expressed the view that IMO was not the competent forum to interpret UNCLOS, as this was a matter for the Meeting of States Parties to UNCLOS.

Further work to address MASS in instruments under the Committee's purview

13.13 The Committee recalled that FAL 46 had approved FAL.5/Circ.49 on *Outcome of the regulatory scoping exercise and gap analysis of the FAL Convention with respect to maritime autonomous ships* (FAL RSE). In doing so, FAL 46 had noted, inter alia, that the amendments to the FAL Convention approved by FAL 45 had not been considered in the FAL regulatory scoping exercise (RSE), since they had not yet entered into force.

13.14 The Committee also recalled that the FAL RSE had identified amending or interpreting the FAL Convention as the most appropriate way to address the majority of barriers identified vis-à-vis MASS operations, more specifically on the information required on arrival and departure, a new kind of certification for remotely controlled operations, sharing of information, as well as arrangements and obligations concerning the solving of situations and pre-arrival information regarding persons rescued at sea, stowaways and/or refugees.

13.15 The Committee further recalled that the FAL RSE had also concluded that, in contrast to the result of MSC, the development of a new instrument was identified only in relation to the more overarching issues, which were issues that the FAL Convention shared with most other IMO instruments and should be addressed in conjunction with other Committees.

13.16 The Committee recalled that the conclusion of the FAL RSE further recognized that MASS operations were taking place already notwithstanding the progress of IMO instruments in addressing MASS operations on international voyages.

13.17 The Committee considered document FAL 47/13/1 (United Arab Emirates) proposing to develop a road map on MASS issues in relation to the FAL Convention and further address MASS issues in relation to sharing information and connectivity across MASS ports and remote control station/centres, and the need for its inclusion as part of common gaps within the MASS-JWG.

13.18 During the ensuing discussion, the Committee noted the following views:

- .1 both technology for operation of MASS and harmonization between ship/shore were important;
- .2 information-sharing and connectivity among MASS, port authorities and remote control stations required careful consideration by the Committee, and this information should be shared with the MASS-JWG;
- .3 different levels of digitalization in ports and remote control stations presented challenges that should be considered;
- .4 electronic data exchange should include, but not be limited to, the arrival and departure of ships; and
- .5 the road map would need to consider the time required to clarify the compatibility in the interpretation of UNCLOS and MASS operations and in this regard might require future adjustments.

Proposal for MASS seminar on implications, challenges and opportunities for ports

13.19 In considering a proposal to conduct a seminar on implications, challenges and opportunities of MASS operations for ports and public authorities contained in document FAL 47/13/1 (United Arab Emirates), the Committee discussed the possible outcome of such seminars as being to enrich the discussions of the MASS-JWG or to provide directive input on the progress of MASS and its impact on capacity-building.

13.20 The Committee agreed to request the views of the MASS-JWG on the proposed seminar and requested the Secretariat to find appropriate dates for such a seminar, preferably back-to-back to with a FAL Committee meeting or a MASS-JWG meeting.

Establishment of the Working Group on FAL MASS

13.21 Having considered the above-mentioned matters, the Committee established a Working Group on FAL MASS, and instructed it, taking into account documents FAL 47/13, FAL 47/13/1, FAL.5/Circ.49, and the comments and decisions made in plenary, to:

- .1 develop a road map on addressing MASS issues related to the FAL Convention;
- .2 advise the Committee on how to consider the amendments to the FAL Convention adopted by FAL 46 that were not covered by the FAL RSE, as approved by FAL 46 (FAL.5/Circ.49);
- .3 commence consideration on how to address the potential gaps/themes of the FAL Convention, identified in FAL.5/Circ.49; and
- .4 if time permitted, review and identify any common issues that might need to be addressed by the MASS-JWG.

Report of the Working Group

13.22 Having considered the report of the Working Group (FAL 47/WP.6), the Committee took the following action:

- .1 approved the road map on addressing MASS issues related to the FAL Convention, as set out in annex 6. In this regard, considering the results of FAL RSE, the Committee agreed that the highest priority issues related to the FAL Convention were common issues which should initially be addressed by the MASS-JWG and need not be included in the activities listed in the road map;
- .2 noted that the method used by the Group in addressing the amendments to the FAL Convention adopted by FAL 46 had not been covered by the FAL RSE, as approved by FAL 46 (FAL.5/Circ.49). In this regard, the Committee noted that a new FAL RSE for the amendments adopted by FAL 46 was not necessary because the amendments could be addressed in conjunction with the work on the provisions identified in the FAL RSE;
- .3 noted that only one amendment to the annex to the FAL Convention would be required in principle to address the issues related to MASS operations in the context of FAL;
- .4 invited comments on the aforementioned amendment to the annex to the FAL Convention, as set out in annex 7, for consideration at the next session of the Committee;
- .5 noted the importance of the work of the MASS-JWG in considering high-priority issues that cut across several IMO instruments, particularly on the meaning of the term "MASS";
- .6 requested the Secretariat to draw the attention of the MASS-JWG to the following potential common gaps and themes identified:
 - .1 the roles and responsibilities of the master and crew;

- .2 the roles and responsibilities of the remote operator;
 - .3 definitions/terminology of MASS;
 - .4 certificates and other documents; and
 - .5 sharing of information; and
- .7 agreed that MASS-JWG should also take into account issues related to connectivity, cybersecurity and remotely controlled operations.

14 INTRODUCTION OF THE API/PNR CONCEPT IN MARITIME TRANSPORT

14.1 The Committee recalled that FAL 45 had agreed to include an output on "Introduction of the API/PNR concept in maritime transport", with a target completion year of 2023, in the 2022-2023 biennial agenda and the provisional agenda for FAL 46 and to include advance passenger information (API) and passenger name record (PNR) data sets, proposed by WCO, in the priority list of data sets for EGDH.

14.2 The Committee also recalled that FAL 46 had agreed to include the API and PNR data sets proposed by WCO in the priority list of data sets for EGDH.

14.3 The Committee, having noted that no documents had been submitted under this agenda item, agreed to consider the outcome of the discussions of EGDH 7 on API and PNR (FAL 47/7, paragraphs 3.14, 3.15, 3.16 and 3.17) and noted that EGDH 7 had finalized the API data set which had been submitted to FAL 47 for inclusion in the IMO Compendium and had also made some observations for consideration by the Committee.

14.4 In relation to the invitation by EGDH 7 to FAL 47 to assess the implications for ship reporting of the additional data elements required by the API data set, and to consider whether the crew list declaration (FAL Form 5) and the passenger list declaration (FAL Form 6) should be extended to include additional data elements from the API information requirements to support the reporting-only-once principle (EGDH 7/13, paragraph 14), the Committee agreed that a new output would be needed to further consider the issue of including additional API data in the current crew and passenger information required by the Convention, and invited interested Member States and international organizations to submit a proposal for a new output to FAL 48.

14.5 Regarding the invitation of EGDH 7 to FAL 47 to consider if the API data set should include passenger and crew information all together or if they required different data sets (EGDH 7/13, paragraphs 15.1 and 15.2), the Committee agreed that including the API data set as an independent set, based on the WCO proposal which included crew data, was consistent with how data sets beyond the scope of the FAL Convention were included in the Compendium.

14.6 In relation to the invitation by EGDH 7 to FAL 47 to consider the impact of the proposed PNR data set on ship reporting, taking into account that the data and the reporting party might be external and not related to the maritime sector (EGDH 7/13, paragraphs 18 and 20), the Committee noted that since EGDH had not finalized the draft PNR data set, it would not be included in the Compendium yet, and that amending the requirements of the FAL Convention regarding crew and passenger information with PNR data also required a new output.

14.7 The Committee also noted the progress made on the draft PNR data set and its change of name to "Passenger booking information".

14.8 The Committee noted the views of the observer from CLIA in support of the extension of the FAL Convention requirements to include additional data elements from the API to support the reporting-only-once principle; that the option of two different data sets for passengers and crew was preferred; and that, while aligning the API data set with the IMO Compendium would make the implementation of a harmonized API data set across the maritime sector more efficient, CLIA recommended that IMO integrate the data sets into the Compendium in conjunction with the finalization of WCO's work.

14.9 The Committee invited WCO to keep it informed of further developments regarding API and PNR concepts in a maritime context; requested the Secretariat to continue attending the meetings of the WCO Passenger Facilitation and Control Working Group; and encouraged Member States to consider attending the meetings as well and share their national interests and practices, including existing cooperation and exchange of information with relevant entities in the area of cruise ship passenger facilitation and control.

15 ANALYSIS OF POSSIBLE MEANS OF AUDITING COMPLIANCE WITH THE CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC

15.1 The Committee, having noted that no documents had been submitted to the last three sessions under the current agenda item, noted the following views:

- .1 inclusion of the FAL Convention in IMSAS was complicated, owing to the different auditing requirements of the FAL Convention in comparison with the IMO instruments included in IMSAS, taking into account the different nature of audits (administrative VS operational) and the fact that the respective auditors would require different expertise;
- .2 introduction of digitalization as part of the facilitation requirement in IMSAS would have a positive impact in the acceleration of digitalization in shipping and port operations; and
- .3 introduction of monitoring requirements regarding FAL would have a positive impact on facilitation of maritime traffic.

15.2 The Committee, having recalled its previous decision not to include the FAL Convention in IMSAS but to find alternatives means of auditing compliance with the FAL Convention, invited Member States and international organizations to submit proposals and related documents to FAL 48; otherwise, the Committee would delete this output at the next session.

16 TECHNICAL COOPERATION ACTIVITIES RELATED TO FACILITATION OF MARITIME TRAFFIC

16.1 The Committee considered document FAL 47/16 (Secretariat), reporting on the status of activities relevant to the implementation of the FAL Convention, conducted under the Integrated Technical Cooperation Programme (ITCP) for the period December 2021 to December 2022, and noted the following activities:

- .1 Two national seminars in South Africa and the Democratic Republic of the Congo to promote accession to the FAL Convention and to encourage better implementation of the FAL Convention, respectively. These seminars offered a better understanding of the FAL Convention, electronic means for the clearance of ships and the use of the single window concept and focused on improving the coordination between public authorities and the private sector in-port.

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- .2 A national seminar on stowaways held in Cape Town, South Africa, from 27 to 29 June 2022, in cooperation with the Department of Transport of South Africa and P&I Clubs. The overall objective of the workshop was to reduce the number of stowaways through improved security measures within the ports of South Africa, to enhance port security in the country, as well as equipping participants with knowledge on related issues such as illicit trafficking of goods and people.
 - .3 A needs assessment mission in May and June 2022 to support Nigeria's efforts to develop a Port Community System (PCS) for its main ports. The mission identified specific related needs and provided recommendations to address any gaps related to organization, legislation, security and technical and operational aspects for the development and implementation of PCSs in Nigeria.
 - .4 In the Latin American region, IMO conducted a new study in 2022 to assess the level of implementation of measures to facilitate international maritime transport and, in particular, digital solutions for the ship/port interface to facilitate clearance processes and port calls in Bolivia, Mexico, Cuba and Venezuela. The study for the remaining countries of the ROCRAM region is expected to be conducted in 2023 and at the end of 2023 a study on the situation of single window level of implementation in the region would be available; a follow-up exercise would be implemented afterwards. This work is in line with the decisions of the IMO Assembly in resolutions A.1166(32) and A.1167(32).
 - .5 With respect to the Maritime Single Window project in Fiji, implemented with the support of the World Bank, a joint IMO/WB team is expected to visit Fiji in May to present a Port "Logistics Gap Analysis" study. The Committee noted with appreciation the engagement of Norway and Antigua and Barbuda in the implementation of the project.
 - .6 The Single Window for Facilitation of Trade (SWiFT) project, with the financial and technical support of Singapore, launched as a pilot project to implement an MSW system in medium-sized ports to establish an efficient digitalized system for electronic exchange of information in ports for ship clearance. The project began its pilot phase with the Port of Lobito (Angola), before being scaled up to benefit more countries in the next phase. Following an IMO mission to Angola in January 2023, the project is being implemented according to the planned timeline and is expected to conclude by July 2023.

16.2 The Committee urged Member States and the maritime industry to contribute to the Organization's technical cooperation programme.

Proposed thematic priorities of the ITCP for the 2024/2025 biennium

16.3 The Committee recalled that FAL 45 had approved thematic priorities for the ITCP in relation to FAL matters for the 2022/2023 biennium, and that TC 71 had subsequently approved the ITCP for the 2022/2023 biennium, based on the thematic priorities agreed by the Committees and the corresponding needs of developing countries.

16.4 The Committee considered the proposed thematic priorities for the 2024/2025 biennium for providing technical assistance and capacity-building (FAL 47/16/1, annex), where the nine previous thematic priorities had been consolidated into four revised thematic priorities. Additionally, a new thematic priority had been proposed to build Member States' capacity regarding the prevention of illegal trafficking of wildlife.

16.5 The Committee, having agreed to consolidate two of the thematic priorities initially proposed, approved the selected thematic priorities for the ITCP for the 2024-2025 biennium, as set out in annex 8, and requested the Secretariat to forward them to the Technical Cooperation Committee.

17 RELATIONS WITH OTHER ORGANIZATIONS

17.1 In considering document FAL 47/17 (Secretariat), the Committee noted the relevant decisions of C 128 with regard to relations with non-governmental organizations, applications for consultative status and related matters.

18 APPLICATION OF THE COMMITTEE'S PROCEDURES ON ORGANIZATION AND METHOD OF WORK

18.1 The Committee noted that MSC 105 and MEPC 78 had concurrently approved amendments to the revised document on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.3), which reflected the decisions of the Committees to introduce the revised checklist for considering and addressing human element issues prepared by HTW 8.

18.2 The Committee also noted that C 127, when considering lessons learned from holding remote meetings, had invited the Committees to review their methods of work and report to the Council on their experience.

18.3 The Committee further noted that MSC 106 and MEPC 79 had concurrently approved amendments to the revised *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies* as MSC-MEPC.1/Circ.5/Rev.4, which reflected their decision to introduce:

- .1 a five working day period for commenting on the draft report; and
- .2 a provision for documents, in general, not to be introduced in plenary.

18.4 The Committee noted that MSC 106 had considered a proposal to continue the practice of decisions by correspondence, and agreed to limit the type of documents to be so considered to documents requiring no other action than to be noted and documents deferred from previous sessions where the subject matter had been overtaken by events; and that any proposal dealt with by correspondence should be subject to approval and endorsement in plenary by the relevant body. However, the Committee agreed to postpone a decision on the final text of this section to its next session, requesting the Secretariat to submit a document to support the discussion on the proposed deadlines.

18.5 The Committee, having considered document FAL 47/18 (Chair), with consequential amendments to the *Organization and method of work of the Facilitation Committee*, based on the decisions of MSC 106 and MEPC 79, agreed:

- .1 to include the revised checklist for considering and addressing human element issues;
- .2 to include the five working day period for commenting on the draft report by correspondence introduced for remote meetings and that comments submitted during the five-day period should be limited to editorial matters and statements by delegations; and
- .3 not to introduce documents in plenary with the flexibility to allow submitters to introduce additional context and information not included in the submitted document, such as relevant updates or necessary clarifications, and that such information would be provided at the start of the relevant discussion.

18.6 Subsequently, the Committee approved the amendments to the *Organization and method of work of the Facilitation Committee* (FAL.3/Circ.217), as set out in annex 9, and requested the Secretariat to issue the revised method of work as FAL.3/Circ.217/Rev.1.

19 WORK PROGRAMME

Biennial status report of the Facilitation Committee

19.1 The Committee endorsed the status of outputs for the 2022-2023 biennium, which had been prepared by the Secretariat in consultation with the Chair, and accordingly invited C 129 to note the report on the status of outputs of the Facilitation Committee, as set out in annex 10.

Outputs of the Facilitation Committee for the 2024-2025 biennium

19.2 The Committee approved the outputs of the Committee for the 2024-2025 biennium, as set out in annex 11, for submission to C 129 for endorsement.

Post-biennial agenda of the Committee

19.3 The Committee endorsed the status of outputs accepted for inclusion in the post-biennial agenda, which had been prepared by the Secretariat in consultation with the Chair, and accordingly invited C 129 to note its post-biennial agenda, as set out in annex 12.

Intersessional meetings

19.4 The Committee recalled that FAL 46 had approved the holding of the following intersessional meetings in 2023 which had been endorsed by C 127:

- .1 the eighth meeting of EGDH, to be held immediately after FAL 47; and
- .2 the ninth meeting of EGDH, to be held in the second half of 2023;

and noted that EGDH 9 had been scheduled to take place from 23 to 27 October 2023.

19.5 The Committee approved the following intersessional meetings of EGDH to be held in 2024, one of them immediately following FAL 48, if possible, subject to endorsement by C 129:

- .1 the tenth meeting of EGDH to be held in the first half of 2024; and
- .2 the eleventh meeting of EGDH, to be held in the second half of 2024.

19.6 The Committee recalled that it had concurrently approved the decision of MSC 106, subject to concurrent approval by LEG 110, under agenda item 13 (see paragraph 13.5) to hold a hybrid five-day meeting of MASS-JWG from 17 to 21 April 2023.

Substantive items for inclusion in the agenda of FAL 48

19.7 Having considered the relevant proposals in document FAL 47/WP.2, the Committee agreed to the substantive items to be included in the agenda of its forty-eighth session, as set out in annex 13. In this regard, the Committee also agreed that all Secretariat documents for that session would be made publicly available prior to the meeting (see also paragraph 2.14).

Establishment of working/drafting groups at FAL 48

19.8 The Committee, taking into account the decisions made under the various agenda items, anticipated that working and drafting groups on the following subjects could be established at FAL 48:

- .1 electronic business;
- .2 facilitation instruments;
- .3 other facilitation subjects; and
- .4 FAL MASS.

19.9 The Committee further agreed that, should the need arise, FAL 48 could consider establishing any other working or drafting groups when considering the various agenda items and requested the Secretariat, in consultation with the Chair, to prepare and circulate well in time before the meeting the provisional timetable for FAL 48 and a list of the likely working or drafting groups to be established.

Date and venue of the next session

19.10 The Committee noted that FAL 48 had been scheduled to take place from 8 to 12 April 2024 in London, at IMO Headquarters.

20 ELECTION OF CHAIR AND VICE-CHAIR FOR 2024

20.1 In accordance with its Rules of Procedure, the Committee unanimously elected Mr. Watchara Chiemankulkit (Thailand) as Chair and Mr. Mohamed AlKaabi (United Arab Emirates) as Vice-Chair, both for 2024.

Expression of appreciation

20.2 The Committee expressed sincere thanks and appreciation to Ms. Marina Angsell (Sweden) for her excellent services to the Committee during the last five years when she served as the Chair of the Committee.

21 ANY OTHER BUSINESS

Electronic certificates of seafarers

21.1 The Committee recalled that FAL 40 had approved the *Guidelines for the use of electronic certificates* (FAL.5/Circ.39/Rev.2).

21.2 The Committee noted that MSC 106, having considered the draft guidelines on the use of electronic certificates of seafarers prepared by HTW 8 (HTW 8/16, annex 9), had sent the draft guidelines back to HTW 9 for further consideration and invited the FAL Committee to consider whether there might be any discrepancies between the two sets of guidelines on electronic certificates and to inform MSC 107 accordingly.

21.3 The Committee further noted that HTW 9 had finalized the draft guidelines without further changes and submitted them to MSC 107 for approval (HTW 9/15, paragraphs 14.4), as initially submitted to MSC 106.

21.4 The Committee considered document FAL 47/21 (Secretariat) with information about the draft guidelines on the use of electronic certificates of seafarers finalized by HTW 9 and the request of MSC 106 to FAL 47 to consider whether there might be any discrepancies with the guidelines on electronic certificates.

21.5 The Committee agreed to refer the draft guidelines on the use of electronic certificates of seafarers (HTW 8/16, annex 9) to the Working Group on Electronic Business for detailed consideration and advice to the Committee.

Instructions to the Working Group on Electronic Business

21.6 The Committee instructed the Working Group on Electronic Business, established under agenda item 6, taking into account the comments made and decisions taken in plenary, to consider the draft guidelines on the use of electronic certificates of seafarers (HTW 8/16, annex 9) with a view to identifying any discrepancies with the *Guidelines for the use of electronic certificates* (FAL.5/Circ.39/Rev.2) and advise the Committee accordingly.

Consideration of the report of the Working Group

21.7 Having received the relevant part of the Working Group's report (FAL 47/WP.7), the Committee took action as indicated in the following paragraphs.

21.8 The Committee agreed that:

- .1 there were no discrepancies in general in the common sections and that different wording was used at times;
- .2 the terminology of the draft guidelines on the use of electronic certificates of seafarers was more up to date since the FAL guidelines had been developed much earlier;
- .3 the draft guidelines on the use of electronic certificates of seafarers had additional sections on security assurance, data form, physical location and privacy, owing to the nature of seafarers' certificates and the requirements of the STCW Convention; and

- .4 the requirement for shipowners, operators and crew on ships to control all electronic certificates through the safety management system (ISM Code) had not been included in the draft guidelines on the use of electronic certificates of seafarers, despite the fact that the company was also responsible for the correct manning of its ships.

21.9 The Committee agreed that the Organization would benefit from having one single set of guidelines for all certificates which would be easier to maintain and update, and further agreed to propose to MSC the development of a joint MSC-FAL circular on guidelines for the use of electronic certificates. Taking into account the benefits of a joint circular, the Committee agreed to inform other committees of the Organization about this decision.

21.10 The Committee requested the Secretariat to prepare the draft text of a relevant joint circular, to be considered at FAL 48 and by MSC at a future session, subject to the concurrence of MSC.

COVID-19 related matters

21.11 The Committee noted that MSC 106 had:

- .1 encouraged all Member States that had a maritime single window system to include the request for vaccine doses within this system in order to expedite the international maritime vaccination process;
- .2 urged Member States and other key sectors of the global maritime industry to continue to promote policies and measures that facilitated priority access to vaccines for seafarers, as well as improving the coordination needed for more expeditious crew changes, complying with the health protocols of the region or country where they took place; and
- .3 in the context of the ongoing practice of denying seafarers medical assistance in ports, including dental and optical care, invited Member States to ensure that seafarers, as key workers, had the right to be treated with dignity and respect, taking into account that they spent most of their time travelling and at sea with a greater degree of testing and regular medical checks than any other persons, and were only able to visit the shore for a short time, so a human approach to their medical needs and treatments must be respected.

Illegal wildlife traffic

21.12 The Committee considered document FAL 47/21/1 (Kenya et al.), containing a summary of the Maritime Stakeholder Workshop to Detect and Investigate Wildlife Trafficking in International Maritime Supply Chains, organized by Thailand on 6 and 7 December 2022.

21.13 The Committee recalled that FAL 46 had approved FAL.5/Circ.50 on *Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic* and noted that a number of the recommendations presented in document FAL 47/21/1 could have an effect on the Guidelines. With a view to allowing further discussion on the Guidelines at the next meeting, the Committee agreed to extend the target completion year of output number 5.14 on "Development of guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic" and reinstate it on the agenda of the Committee for its next session.

Launches of ballistic missiles by the Democratic People's Republic of Korea

21.14 The delegation of Japan, supported by Australia, Canada, France, Norway, the Republic of Korea, Sweden, the United Kingdom and the United States, informed the Committee about ballistic missile launches by the Democratic People's Republic of Korea (DPRK). The delegation strongly condemned the repeated launches of ballistic missiles by the DPRK and stated that the missile launches were in violation of the UN Security Council resolutions and constituted a serious a threat to the peace and security of Japan, the region and the international community; these missile launches were sent without proper prior notification and endangered the freedom and safety of marine traffic. They also recalled the decision of C 128 on this matter and urged the DPRK repeatedly to fully implement the relevant UN Security Council resolutions and comply with the IMO Convention and relevant IMO Assembly resolutions. The full text of the statement made by the delegation of Japan is set out in annex 14.

21.15 The delegation of the DPRK stated that the comments made did not reflect the reality of the Korean Peninsula, which was technically at war. The delegation stated that its missile launches had not posed any harm to the safety of international shipping or to the security of neighbouring countries and regions; and that the greatest regional threats to safety and security on Korean peninsula waters were posed by the United States, which had conducted various kinds of aggressive joint military drills with the Republic of Korea and others against the DPRK tens of thousands times over 70 years. The delegation further stated that the United States Secretary of Defence had openly declared during his visit to the Republic of Korea on 31 January 2023 that the United States would deploy more strategic assets and nuclear carriers, unhesitatingly talking about the use of nuclear weapons against the DPRK and, following his declaration, so far the United States had staged several joint military exercises with the Republic Korea against the DPRK, including combined air drills with warplanes such as B-1B and B-52H bombers and F-35 stealth fighters, conducting them still now. The delegation stated that its missile launches were the justified exercises of the right to self-defence in order to defend the destiny of the country and the life of its people and modernize its national defence capability which had controlled the aggressive war by the United States and others on the Korean Peninsula. The delegation also stated that IMO was not the forum for discussing political and military issues because it was beyond the mandate of the Organization and requested all delegations to draw their attention to the compelling need to restrain the large-scale and frequent naval military drills against another Member State, in order to secure navigational safety and efficient international shipping. The full text of the statement by the DPRK is set out in annex 14.

Survey related to minimum training and education of mooring personnel

21.16 The delegation of Italy, having recalled the relevant discussion at FAL 46 (FAL 46/24, paragraph 23.12), informed the Committee that only a small number of replies had been received to the survey questionnaire related to the application of the *Guidelines on minimum training and education for mooring personnel* (FAL.6/Circ.11/Rev.1). The Committee encouraged Member States to complete the survey questionnaire⁵ included in the annex to document FAL 45/21/3 to ensure the maximum level of safety for personnel involved in mooring and unmooring operations in ports and harbours. The Committee also reiterated its invitation to the co-sponsors of document FAL 45/21/3 to inform the Committee of the results, as appropriate, as the outcome of the survey might be a good basis on which to review FAL.6/Circ.11/Rev.1.

⁵ To be submitted to the following email address: info@angopi.eu.

Introduction of digitalization in the Strategic Plan of the Organization

21.17 The observer from BIMCO raised the importance of digitalization and its inclusion in the Strategic Plan of the Organization, recalling the discussion at C 128 of a proposal by the United Arab Emirates to include relevant amendments in the Strategic Plan, in particular regarding greater emphasis on "digitalization". In this regard, the observer suggested that a specific IMO strategy on digitalization should be developed by the Organization, akin to the Initial IMO GHG Strategy as well as the IMO Capacity-Building Decade 2021-2030 Strategy. A stand-alone strategy on digitalization could provide a clear direction for the Organization to tackle current and future challenges such as, but not limited to, MASS, MSW, e-navigation and other digital initiatives, which would not only set a strong signal concerning the priorities of the Organization, but also concerning the importance of digitalization externally, such as for industry stakeholders.

21.18 The proposal was supported by the delegations of the Bahamas, Denmark, Liberia, Norway, Singapore and the United Arab Emirates, and the Committee agreed to convey it to the Intersessional Working Group on the Strategic Plan (ISWG-SP), to be held from 2 to 5 May 2023 and invited interested Member States and international organizations to submit proposals for a relevant new output to the next session.

Experience gained from using the hybrid system for IMO meetings

21.19 The Committee, as requested by the Council (see paragraph 1.6), considered the experience gained with hybrid meetings and noted the overall satisfaction expressed by many delegations on the use of the hybrid meeting system to complement in-person meetings at this session, and appreciation to the Secretariat for the preparation and improvement of the hybrid meeting system. In particular, the following views were expressed:

- .1 switch modality between remote and physical participation during a meeting should be more agile and simpler;
- .2 a live single list of speakers requesting the floor in plenary, including those attending through the hybrid meeting system, should be available for transparency;
- .3 all committee rooms should have the same hybrid systems as the ones implemented in Main Hall and in Committee Rooms 9 and 10;
- .4 in Committee Rooms 9 and 10, when remote speakers took the floor and wished to comment on the document projected via screenshare, the text was not visible on the screen (currently the ZOOM hybrid meeting showed the remote speaker only and the document screen was no longer visible);
- .5 the human factor to manage hybrid facilities in case of extending meetings beyond 18:00 hours (local time) should be properly addressed;
- .6 while some delegations were of the view that hybrid facilities were established to facilitate the participation of delegations participating from their countries and those delegates based in the United Kingdom should participate physically from the IMO building, other delegations expressed the view that hybrid facilities were useful for delegates irrespective of their location; and

- .7 the Secretariat was invited to present detailed information on costs related to the implementation of hybrid meetings to the Council, including further equipment needed and staff additional costs;

21.20 In this regard, the Committee agreed to forward the views on the experience gained in using the hybrid system to C 129 for action, as appropriate.

Human element

21.21 In respect to the invitation of MSC 105 to all relevant IMO bodies to assess their respective involvement in the human element within their remit, the Committee submitted the scope of work described in paragraphs 7 to 9 of document FAL 47/WP.10 (Secretariat) to the Maritime Safety Committee.

Expressions of appreciation

21.22 The Committee expressed its appreciation to the following delegates and members of the Secretariat who had recently retired or relinquished their duties for their invaluable contribution to its work:

- Ms. Christine Gregory (IMO) (on retirement);
- Mr. Siphon Mbahta (South Africa) (on transfer); and
- Mr. Gustavo Livia (Peru) (on transfer).

22 CONSIDERATION OF THE REPORT OF THE COMMITTEE ON ITS FORTY-SEVENTH SESSION

Procedures for facilitating remote sessions

22.1 The draft report of the session (FAL 47/WP.1) was prepared by the Secretariat for consideration by the Committee.

22.2 In this context, during the meeting held on Friday, 17 March 2023, delegations were given an opportunity to provide comments on the draft report (FAL 47/WP.1), and the Secretariat then prepared the revised draft report (FAL 47/WP.1/Rev.1), incorporating the comments made. Member States and international organizations wishing to provide further editorial corrections and improvements, including finalizing individual statements, were given a deadline of Monday, 27 March 2023, 23.59 (UTC+1) to do so by correspondence in accordance with paragraphs 4.27 and 4.28 of the Committees' method of work (FAL.3/Circ.217/Rev.1) (see paragraph 18.6).

Action requested of other IMO organs

22.3 The Assembly, at its thirty-third session, is invited to:

- .1 note the comments made and decisions taken on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effects on international shipping and seafarers (paragraphs 2.2 to 2.12);
- .2 note that the Committee adopted amendments to the annex to the FAL Convention (paragraph 3.4 and annex 1);

- .3 note that the Committee adopted resolution FAL.16(47) on *Recommended actions to accelerate the implementation of a maritime single window*, to assist Contracting Governments to the FAL Convention in fulfilling their obligations to implement mandatory single window systems by 1 January 2024 (paragraph 6.16 and annex 2);
- .4 note the action taken on matters related to MASS (paragraphs 13.4 to 13.22 and annex 6);
- .5 note the comments made and decisions taken with regard to lessons learned from holding remote meetings, including the approval of relevant amendments to the *Organization and method of work of the Facilitation Committee* (FAL.3/Circ.217/Rev.1) (paragraph 18.2 to 18.6 and annex 9);
- .6 note the discussion to include a specific IMO strategy on digitalization in the Strategic Plan of the Organization, and the agreement to convey it to ISWG-SP 1, and the invitation to interested Member States and international organizations to submit proposals for a relevant new output to FAL 48 (paragraphs 21.17 and 21.18); and
- .7 note the comments made related to the experience gained with hybrid meetings (paragraph 21.19).

22.4 The Council, at its 129th session, is invited to:

- .1 consider the report of the forty-seventh 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 thirty-third session of the Assembly;
- .2 note the decisions taken regarding measures for greater public access to information (paragraphs 2.14 and 19.7);
- .3 note the comments made and decisions taken on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effects on international shipping and seafarers (paragraphs 2.2 to 2.12), in particular the actions of the Committee in this regard (paragraph 2.12);
- .4 note the adoption of resolution FAL.15(47) on amendments to the annex to the FAL Convention, for circulation in accordance with article VII(2)(a) of the Convention, and the decision that it enter into force in accordance with article VII(2)(b) on 1 January 2025, unless, prior to 1 October 2024, at least one third of the Contracting Governments had notified the Secretary-General in writing that they did not accept the amendments (paragraphs 3.4 and 3.5, and annex 1);
- .5 note the adoption of resolution FAL.16(47) on *Recommended actions to accelerate the implementation of a maritime single window*, to assist Contracting Governments to the FAL Convention in fulfilling their obligations to implement mandatory single window systems by 1 January 2024 (paragraph 6.16 and annex 2);
- .6 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version (section 7);

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- .7 note the action taken on matters related to MASS (paragraphs 13.4 to 13.22 and annex 6);
 - .8 note the comments made and decisions taken with regard to lessons learned from holding remote meetings, including the approval of relevant amendments to the *Organization and method of work of the Facilitation Committee* (FAL.3/Circ.217) (paragraph 18.2 to 18.6 and annex 9);
 - .9 note the status report of the outputs for the 2022-2023 biennium and the list of outputs of the Committee for the 2024-2025 biennium (paragraphs 19.1 and 19.2 and annexes 10 and 11, respectively);
 - .10 note the post-biennial agenda of the Committee (paragraph 19.3 and annex 12);
 - .11 endorse the intersessional meetings of EGDH approved by the Committee for 2024 (paragraph 19.5);
 - .12 note the comments made on the launches of ballistic missiles by the DPRK (paragraphs 21.14 and 21.15);
 - .13 note the discussion to include a specific IMO strategy on digitalization in the Strategic Plan of the Organization, and to convey it to ISWG-SP 1, and the invitation to interested Member States and international organizations to submit proposals for a relevant new output to FAL 48 (paragraphs 21.17 and 21.18);
 - .14 note the comments made related to the experience gained with hybrid meetings (paragraph 21.19); and
 - .15 note the approval of the following circulars:
 - .1 FAL.5/Circ.42/Rev.3 on *Revised guidelines for setting up a maritime single window* (paragraph 6.17);
 - .2 FAL.5/Circ.51 on *IMO Compendium on Facilitation and Electronic Business* (paragraph 7.17);
 - .3 FAL.5/Circ.52 on *Guidelines for harmonized communication and electronic exchange of operational data for port calls* (paragraph 9.5); and
 - .4 FAL.3/Circ.217/Rev.1 on *Organization and method of work of the Facilitation Committee* (paragraph 18.6).

22.5 The Maritime Safety Committee, at its 107th session, is invited to note the report of the Committee and, in particular, to:

- .1 note the comments made and decisions taken on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effects on international shipping and seafarers (paragraphs 2.2 to 2.12), in particular the actions of the Committee in this regard (paragraph 2.12);

- .2 note that the Committee encouraged Member States to participate in the impact assessment survey related to the implications of the proposed format extension of the IMO ship number beyond seven digits (available in Circular Letter No.4690 of 6 February 2023), open until 31 May 2023 (paragraph 7.8);
- .3 note the approval of a revised version of the IMO Compendium on Facilitation and Electronic Business, including a new data set on verified gross mass (section 7);
- .4 note the intention of EGDH to strengthen collaboration with IHO on the S-100 product specifications (paragraph 7.6.13);
- .5 in relation to Maritime Services, note:
 - .1 the approval of the revised description of Maritime Service 4 and invite MSC to approve a revised version of MSC.1/Circ.1610, on *Initial descriptions of Maritime Services in the context of e-navigation* (paragraph 8.5 and annex 5); and
 - .2 the decision to include the output "Consideration of descriptions of Maritime Services in the context of e-navigation" in the post-biennial agenda of the Committee (paragraph 8.4);
- .6 note that the FAL Committee, with regard to MASS:
 - .1 concurred with the decisions of MSC 106 (paragraph 13.6);
 - .2 requested the views of the MASS-JWG on the proposed seminar on implications, challenges and opportunities of MASS operations for ports and public authorities and requested the Secretariat to find appropriate dates for such a seminar, preferably back-to-back to with a FAL Committee or a MASS-JWG meeting (paragraph 13.20);
 - .3 approved the road map on addressing MASS issues related to the FAL Convention (paragraph 13.22.1 and annex 6);
 - .4 requested the Secretariat to draw the attention of the MASS-JWG to the following potential common gaps and themes identified (paragraph 13.22.6):
 - .1 the roles and responsibilities of the master and crew;
 - .2 the roles and responsibilities of the remote operator;
 - .3 definitions/terminology of MASS;
 - .4 certificates and other documents; and
 - .5 sharing of information; and
 - .5 agreed that the MASS-JWG should also take into account issues related to connectivity, cybersecurity and remotely controlled operations (paragraph 13.22.7);

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- .7 note that the Committee requested the Secretariat to continue attending meetings of the WCO Passenger Controls and Facilitation Working Group (paragraph 14.9);
 - .8 note the approval of the revised *Organization and method of work of the Facilitation Committee* (FAL.3/Circ.217/Rev.1) (paragraph 18.6);
 - .9 with regard to the draft guidelines on the use of electronic certificates of seafarers (HTW 8/16, annex 9), note the outcome of the review and comparison with the *Guidelines for the use of electronic certificates* (FAL.5/Circ.39/Rev.2), and the proposal to develop a joint MSC-FAL circular on guidelines for the use of electronic certificates, taking into account the benefits of having one single set of guidelines for all certificates, which would be easier to maintain and update (paragraphs 21.8 and 21.9);
 - .10 note the comments made on the launches of ballistic missiles by the DPRK (paragraphs 21.14 and 21.15); and
 - .11 note the scope of work of the Committee in relation to the human element described in paragraphs 7 to 9 of document FAL 47/WP.10 (Secretariat) (paragraph 21.21).

22.6 The Marine Environment Protection Committee, at its eightieth session, is invited to note the report of the Committee and, in particular, to:

- .1 note the approval of a revised version of the IMO Compendium on Facilitation and Electronic Business, including new data sets on "Waste delivery receipt" and "Ballast water arrival reporting" (paragraphs 7.17 and 7.18);
- .2 note that the FAL Committee, with regard to MASS, took action as set out in section 13; and
- .3 note the approval of the revised *Organization and method of work of the Facilitation Committee* (FAL.3/Circ.217/Rev.1) (paragraph 18.6).

22.7 The Technical Cooperation Committee, at its seventy-third session, is invited to note the report of the Committee and, in particular, to:

- .1 note the technical cooperation initiatives launched during 2022 on FAL matters and to support Member States in implementing maritime single window systems by 1 January 2024 (paragraph 16.1);
- .2 consider the FAL-related selected thematic priorities for ITCP for the 2024-2025 biennium (paragraph 16.5 and annex 8); and
- .3 note the approval of the revised *Organization and method of work of the Facilitation Committee* (FAL.3/Circ.217/Rev.1) (paragraph 18.6).

22.8 The Legal Committee, at its 111st session, is invited to note the report of the Committee and, in particular, to:

- .1 note the comments made and decisions taken on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effects on international shipping and seafarers (paragraphs 2.2 to 2.12), in particular the actions of the Committee in this regard (paragraph 2.12);

- .2 note that the FAL Committee, with regard to MASS:
 - .1 concurred with the decisions of MSC 106 (paragraph 13.6);
 - .2 requested the views of the MASS-JWG on the proposed seminar on implications, challenges and opportunities of MASS operations for ports and public authorities and requested the Secretariat to find appropriate dates for such a seminar, preferably back-to-back to with a FAL Committee or a MASS-JWG meeting (paragraph 13.20);
 - .3 approved the road map on addressing MASS issues related to the FAL Convention (paragraph 13.22.1 and annex 6);
 - .4 requested the Secretariat to draw the attention of the MASS-JWG to the following potential common gaps and themes identified (paragraph 13.22.6):
 - .1 the roles and responsibilities of the master and crew;
 - .2 the roles and responsibilities of the remote operator;
 - .3 definitions/terminology of MASS;
 - .4 certificates and other documents; and
 - .5 sharing of information; and
 - .5 agreed that the MASS-JWG should also take into account issues related to connectivity, cybersecurity and remotely controlled operations (paragraph 13.22.7);
- .3 note the approval of the revised *Organization and method of work of the Facilitation Committee* (FAL.3/Circ.217/Rev.1) (paragraph 18.6); and
- .3 with regard to the draft guidelines on the use of electronic certificates of seafarers (HTW 8/16, annex 9), note the outcome of the review and comparison with the *Guidelines for the use of electronic certificates* (FAL.5/Circ.39/Rev.2), and the proposal to elaborate a joint MSC-FAL circular on guidelines for the use of electronic certificates, taking into account the benefits from having one single set of guidelines for all certificates, which would be easier to maintain and update (paragraphs 21.8 and 21.9).

22.9 The NCSR Sub-Committee is invited to note the intention of EGDH to strengthen collaboration with IHO on the S-100 product specifications (paragraph 7.6.13).

(The annexes will be issued as an addendum to this report.)