

FACILITATION COMMITTEE  
43rd session  
Agenda item 20

FAL 43/20  
23 April 2019  
Original: ENGLISH

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

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## 1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The forty-third session of the Facilitation Committee was held at IMO Headquarters from 8 to 12 April 2019, chaired by Ms. Marina Angsell (Sweden). Owing to the resignation of the Vice-Chair Mr. Moises de Gracia (Panama), the Committee elected Ms. Hadiza Bala Usman (Nigeria) as the new Vice-Chair for 2019. The Committee recognized and praised the work done by Mr. de Gracia as part of the Permanent Representation of Panama to IMO, in particular for his role as chair of numerous working and drafting groups, as well as for his kind cooperation with the other delegations.

1.2 The session was attended by Member States and Associate Members, a representative from a United Nations regional commission, specialized agencies and other entities, observers from intergovernmental organizations with agreements of cooperation, and observers from non-governmental organizations in consultative status, as listed in document FAL 43/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: <http://www.imo.org/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings>

### Chair's remarks

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

### Adoption of the agenda

1.5 The Committee adopted the provisional agenda (FAL 43/1) and agreed to be guided in its work by the annotated agenda (FAL 43/1/1).

### Credentials

1.6 The Committee noted that the credentials of 79 of the delegations attending the session were in due and proper form.

## 2 DECISIONS OF OTHER IMO BODIES

2.1 The Committee noted the information provided in documents FAL 43/2 and FAL 43/2/1 (Secretariat), in relation to the outcome of the work of LEG 105, MSC 99, MSC 100, MEPC 72, MEPC 73, TC 68, C 120, C 121, CCC 5 and NCSR 6 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.

### Greater public access to information

2.2 The Committee noted, in particular, the following decisions of C 120 on measures to allow greater public access to information at IMO:

- .1 authorization of the release of only the audio files of the Assembly plenary meetings to the public;

- .2 removal of any restriction explicit or implied on sponsors of documents, so that those who wish to release their documents to the public via IMODOCS prior to a meeting may do so;
- .3 authorization of the release of Secretariat documents pre-meeting for committee meetings, with the ability for committees to designate specific Secretariat documents as private and non-releasable in advance;
- .4 authorization of the release of Council documents on IMODOCS to the public after a period of three years;
- .5 authorization of the Secretariat to report on the outcome of meetings prior to the meeting's conclusion, if necessary and appropriate, and only after the discussion of the relevant agenda item had been concluded; and
- .6 access of NGOs and IGOs to the Treaties section of IMODOCS.

2.3 In this connection, the Committee concurred with the decisions of MEPC 73 and MSC 100 regarding measures to allow the public greater access to information, as follows:

- .1 Member States and international organizations could indicate at the time of submission whether their documents should be released to the public via IMODOCS prior to a meeting and, in the absence of such an indication, those documents would be kept private prior to the meeting of the committees; and
- .2 notes by the Secretariat would be made publicly available via IMODOCS prior to a meeting, unless the committees had decided otherwise in advance.

2.4 The Committee agreed to revisit the matter when considering the items to be included in the agenda for FAL 44 (see paragraph 17.9).

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

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

3.2 The Committee recalled the following decisions of FAL 42 on the status of the appendices to the FAL Convention:

- .1 appendix 1 (IMO FAL Forms referred to in Standard 2.19) was part of the FAL Convention, and no further action was needed to communicate this decision;
- .2 appendix 2 (Arrival and departure of persons) was not part of the FAL Convention, and no further action was needed to communicate this decision;

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- .3 appendix 3 (Form of stowaway details referred to in Recommended Practice 4.6.2) was part of the FAL Convention but it had not been included in resolution FAL.12(40) by mistake. Bearing in mind that the reference to the form of stowaway details had been added in Recommended Practice 4.6.2, the Committee instructed the Secretariat to use the normal procedure for correction, i.e. a correction of the certified copy of resolution FAL.12(40); and
  - .4 appendix 4 (IMDG Code, amendments 38-16, chapter 5.4 on Documentation) was not part of the FAL Convention, and no further action was needed to communicate this decision.

3.3 The Committee noted that the correction of the certified copy of resolution FAL.12(40) on *Amendments to the annex to the Convention on Facilitation of International Maritime Traffic, 1965* had been issued as Note Verbale NV.017 on 19 October 2018, as requested by FAL 42 as referred to in paragraph 3.2.3 above.

#### **4 REVIEW AND UPDATE OF THE ANNEX TO THE FAL CONVENTION**

4.1 The Committee recalled that FAL 42 had approved a new output on "Review and update of the annex to the FAL Convention" for inclusion in its 2018-2019 biennial agenda and the provisional agenda for FAL 43, with a target completion year of 2021.

4.2 The Committee also recalled that FAL 42 had established a Correspondence Group on the Review and Update of the annex to the FAL Convention, under the coordination of France, on the understanding that it should not commence its work until the new output had been endorsed by C 120; and noted that the Council had taken the action requested.

##### **Consideration of the report of the Correspondence Group**

4.3 The Committee noted with appreciation the report of the aforementioned Correspondence Group (FAL 43/4), in particular the work carried out by its Coordinator, Mr. Fabien Joret (France).

4.4 The Committee considered the contentious issues not agreed by the Group referred to in the report (FAL 43/4, paragraph 5), and agreed to:

- .1 convert Recommended Practice 1.3*quin*, on the use of the single window, into a Standard, keeping a generic definition of the single window so as to provide flexibility to Member States;
- .2 include a reference to the IMO Compendium in Standard 1.6*bis* by means of a footnote;
- .3 not convert Recommended Practice 7.12, on National Maritime Transport Facilitation Committees, into a Standard;
- .4 not request a visa for shore leave and for passengers of cruise ships, referred to in Standard 3.45 and Recommended Practice 3.24, respectively, and therefore to keep the current text as is; and
- .5 not approve the use of seafarers' identity documents in lieu of a valid passport, as referred to in Standard 3.10.

4.5 Regarding the two alternatives on functions of the seven FAL Forms, the Committee recognized that this issue should be considered by the Working Group. The Committee noted that the majority of the delegations were in favour of amending the introduction of section 2, and there was some interest in replacing the list of data elements associated with each FAL Form with a global list of data elements, as proposed by the United States.

4.6 The Committee considered documents FAL 43/4/1, FAL 43/4/2 and FAL 43/4/3 (WHO), with proposals to amend sections 1, 2, 3, 6 and 7 of the annex to the FAL Convention, submitted to ensure consistency between the provisions of the FAL Convention and the provisions of the International Health Regulations.

4.7 In this connection, the Committee noted the following views:

- .1 consistency regarding terms already used in the FAL Convention should be ensured;
- .2 when making reference to the International Health Regulations, a solution to avoid the need to amend the FAL Convention when any future amendments are made to the Regulations should be considered;

#### **Establishment of the Working Group on Facilitation Instruments**

4.8 Following consideration, the Committee established the Working Group on Facilitation Instruments and instructed it, taking into account documents FAL 43/4, FAL 43/4/1, FAL 43/4/2 and FAL 43/4/3 and the comments made and decisions taken in plenary, to:

- .1 further develop the revision of the annex to the FAL Convention; and
- .2 re-establish a correspondence group and prepare terms of reference for consideration by the Committee.

#### **Consideration of the report of the Working Group**

4.9 Having considered the report of the Working Group (FAL 43/WP.6), the Committee approved it in general and took action as indicated below.

4.10 The Committee, having noted the progress made by the Group on the review and update of the annex to the FAL Convention, endorsed the work carried out by the Group, in particular the following:

- .1 to convert Recommended Practice 1.3<sup>quin</sup>, related to the use of the single window, into a Standard, and retaining the generic definition of the single window;
- .2 to include a reference to the IMO Compendium in Standard 1.6<sup>bis</sup> by means of a footnote;
- .3 to keep the text of 7.12 on National Maritime Transport Facilitation Committees as a Recommended Practice;
- .4 to revert to the original text of Standard 3.45 and Recommended Practice 3.24 on visa requirements for shore leave and for passengers of cruise ships; and

- .5 to keep the amendments to Standard 3.10 regarding the recognition of the use of seafarers' identity documents as equivalent to a passport. The Committee noted the opinion of the Group that further consideration would be required regarding drafting issues identified by the Group in Standard 3.10 and its related amendments proposed in 3.10.2, 3.10.3 and 3.48.

4.11 The Committee thanked WHO for its contributions to the text of the annex to the FAL Convention, and invited them to continue providing assistance on the review and update of the annex.

#### **Terms of reference of the Correspondence Group on the Review and Update of the annex to the FAL Convention**

4.12 The Committee agreed to re-establish a Correspondence Group on the Review and Update of the annex to the FAL Convention under the coordination of France<sup>1</sup>, and instructed it to:

- .1 clarify the functions of the seven FAL documents as described in the annex to the FAL Convention in the context of electronic transmission;
- .2 further consider issues related to signature and authentication;
- .3 consider if FAL Form 2 is still required, in view of the use of the manifest and the requirement of the pre-arrival and pre-departure information;
- .4 examine the drafting of Recommended Practice 3.10 and its related provisions in order to provide clarity and ensure consistency in their application;
- .5 consider the recommendations on stowaways included in the annex of document FAL 42/10/1;
- .6 further examine whether some current standards and Recommended Practices were relevant only in a paper environment but not in the case of exchanging information electronically; and
- .7 identify any other areas where amendments might be needed in order to ensure a harmonized and more effective application of the annex to the FAL Convention.

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<sup>1</sup>

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

5.1 The Committee recalled that FAL 42, having considered the outcome of the Working Group for the Review and Update of the Explanatory Manual to the FAL Convention, had approved it in general, but had noted some issues that needed to be discussed further, and had invited Member States and international organizations to submit proposals on the Explanatory Manual to FAL 43 relating to:

- .1 Standard 4.6.3: taking into account its sensitive nature, the Committee had instructed the Secretariat to seek advice from the Office of the United Nations High Commissioner for Refugees on confidentiality when a stowaway declared himself or herself to be a refugee;
- .2 Recommended Practices 6.3 and 6.11, in particular on "how certificates and documents should be simple and widely publicized"; and
- .3 Recommended Practice 7.11.

5.2 The Committee also recalled that FAL 42 had requested the Secretariat to make editorial corrections to the draft Explanatory Manual as set out in document FAL 42/WP.6, annex 1, and to prepare a clean text as the basis for approval by FAL 43.

5.3 The Committee considered documents FAL 43/5 (Secretariat), with the clean text of the Explanatory Manual prepared by the Secretariat, FAL 43/5/1 (Chile), with proposals for amendments to the guidance on Standard 4.6.3 and Recommended Practice 6.3, and FAL 43/5/2 (UNHCR), with proposals for amendments to guidance on Standards 4.6.1 and 4.6.3.

5.4 In considering the documents, the following views were expressed:

- .1 concerns were raised about situations faced in practice by shipmasters as regards application of Standard 4.6.3., which states that personal details of those who declared their intent to seek asylum should not be shared with the authorities of their home nation or country of habitual residence. Confidentiality was important to protect asylum seekers and their families. Discretionarily on the part of the master should be avoided. In this regard, masters should receive the best advice possible in situations such as requests from authorities to return stowaways to the coastal State they had departed from or in dangerous situations following the rescue of persons in distress at sea (e.g. hijacking). Therefore the Working Group should explore what the master should do in these situations and seek guidance from MSC or the NSCR Sub-Committee;
- .2 responsibility for implementing the provisions of a convention were a matter for Governments, not masters. Masters should comply with the requirements and instructions contained in the national legislation of a flag State;
- .3 the asylum seeker had not necessarily obtained refugee status, therefore the text should make a distinction between the two terms;
- .4 the Working Group should consider carefully whether the standard aimed to cover all public authorities or only those of the home country of the asylum seeker; and



- .5 as regards Recommended Practice 6.3 on sanitary certificates or similar documents, it was suggested that text be included encouraging Contracting Governments to make it possible to provide the required information by electronic means.

### **Instructions to the Working Group**

5.5 The Committee instructed the Working Group on Facilitation Instruments, established under agenda item 4, taking into account documents FAL 43/5, FAL 43/5/1 and FAL 43/5/2, and decisions, comments and proposals made in plenary, to complete the revision of the Explanatory Manual and in particular to consider the text of the instruments not completed at FAL 42 (Standard 4.6.3 and Recommended Practices 6.3, 6.11 and 7.11), with a view to approval by the Committee.

### **Report of the Working Group**

5.6 Having considered the relevant part of the Working Group's report (FAL 43/WP.6), the Committee approved FAL.3/Circ.215 on *Explanatory Manual to the FAL Convention*.

5.7 The Committee agreed to include the existing output "Review and Update of the Explanatory Manual to the FAL Convention" on the post-biennial agenda of the Committee, in order to review this instrument in future upon the completion of the review of the annex to the FAL Convention.

5.8 The Committee thanked UNHCR for its contributions to the text of the Explanatory Manual, and invited them to continue providing assistance on the review and update of the annex to the FAL Convention.

## **6 APPLICATION OF SINGLE WINDOW CONCEPT**

6.1 The following general remarks were expressed as an introduction to the discussion of this agenda item:

- .1 when developing a single window, it would be necessary to:
- .1 avoid duplication of data elements and ensure interoperability of single windows;
  - .2 encourage more open exchange of machine-readable information based on open and interoperable programming interfaces (APIs) and the use of platforms by private and public parties, ensuring that this would not mean compromising business secrets or safety and security or cause an additional administrative burden on the industry; and
  - .3 share the know-how and experience of other Member States on the implementation of single window systems; and
- .2 more open sharing of actual and estimated arrival and departure information of ships would increase efficiency in port operations, and this would have a positive impact on the reduction of carbon emissions from ships and development of transport and logistics automation.

**Collection of information and reporting: outcome of the review of the final report of the Ad Hoc Steering Group for Reducing Administrative Requirements**

6.2 The Committee recalled that FAL 42 had noted the general support in the Working Group on Electronic Business for creating an inventory of all requirements for collection of information and reporting under the Organization's various instruments to help reveal the scope of the Committee's potential involvement in advising on facilitation aspects, particularly with regard to information related to the single window concept.

6.3 The Committee also recalled that FAL 42 had requested the Secretariat to review the final report of the Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR) established by the Council (C 113/11), the inventory of administrative requirements in IMO mandatory instruments (C 108/INF.2) and the list of outputs of the committees, as a starting point to identify elements relevant to implementation of the single window concept.

6.4 The Committee considered document FAL 43/6 (Secretariat), where the Secretariat had identified:

- .1 in respect of the inventory of administrative requirements in IMO mandatory instruments listed in document C 108/INF.2:
  - .1 in annex 1: the list of reporting obligations filtered for entities that were not IMO (Secretary-General/Secretariat), Administrations or Contracting Governments; and
  - .2 in annex 2: the list of reporting obligations that burdened the ship, master and crew;
- .2 in annex 3: the recommendations made by the Group (C 113/11) that might be relevant to the implementation of the single window concept; and
- .3 in annex 4: the list of the outputs of the committees that might have some relation to electronic exchange of information or single window.

6.5 In the ensuing discussion, the following views were expressed:

- .1 a holistic approach was advisable to integrate the work done by other IMO bodies in the work of the Committee on single window, e.g. on e-navigation, and therefore proper coordination with those IMO bodies would be required; and
- .2 the information provided by the Secretariat was a good benchmark for the Committee for further work, which should be conducted step by step.

**Development of a generic maritime single window system in Antigua and Barbuda: a Norwegian/Antigua and Barbuda project**

6.6 The Committee recalled that, according to the new standard 1.3*bis*, public authorities had to establish systems for the electronic exchange of information by 8 April 2019. A period of not less than 12 months for transition to the mandatory use of the systems shall be provided from the date of the introduction of such systems.

6.7 The Committee also recalled that FAL 42 had agreed on the need for a more holistic approach for the implementation of the prototype maritime single window (MSW), to put less emphasis on the technology aspects.

6.8 The Committee further recalled that FAL 42 had agreed to keep in abeyance the MSW prototype project until FAL 45 or such time when a request was made by a Member State to recommence the work; and had noted that this decision did not prevent ongoing initiatives and discussions on the prototype by other committees, such as the Technical Cooperation Committee.

6.9 The Committee considered documents FAL 43/6/1 and FAL 43/INF.5 (Norway and Antigua and Barbuda), with information on the successful single window project implemented by Norway in Antigua and Barbuda with the assistance of the Secretariat.

6.10 The Committee expressed appreciation to Norway for the in-kind and financial support to the project, and for the generous offer of making the source code developed for the system established in Antigua and Barbuda available to other interested Member States. The project would assist Member States, in particular SIDS, in complying with the new mandatory requirement for electronic information exchange in the FAL Convention, to reduce the administrative burden and increase the efficiency of maritime trade and transport.

6.11 The Committee encouraged interested Member States to contact the Secretariat<sup>2</sup> if they wished to obtain further details of the project and urged Governments and industry to provide funds for the implementation of the system in other countries.

#### **Cameroon's integrated single window system**

6.12 Having considered document FAL 43/6/2 (Cameroon), the Committee noted the information on the single window system implemented in Cameroon to simplify and facilitate foreign trade procedures by reducing the time frames and costs of transactions.

#### **Experience of Argentina with the implementation of an electronic system for the clearance of ships based on the single window concept**

6.13 Having considered document FAL 43/6/3 (Argentina), providing information on the implementation of the Ship Clearance Electronic System (DEB) for the clearance of entry and exit of ships in ports under the jurisdiction of Argentina, the Committee expressed appreciation to Argentina for offering the system and assistance through the various channels for technical cooperation.

#### **Study of ship-to-shore information exchange for efficient electronic port**

6.14 The Committee noted document FAL 43/INF.4 (Republic of Korea), providing information regarding the convenience of developing an independent communication data model covering all agreed requirements of the FAL Convention in maritime safety, customs and general international trade to provide an unambiguous mapping to each of these standards, and providing a messaging standard covering all the requirements of all domains to ensure compatibility.

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

6.15 The Committee recalled that FAL 40 had approved the *Guidelines for the use of electronic certificates* (FAL.6/Circ.39/Rev.2).

6.16 In this regard, the Committee recalled that the Secretariat had developed a tool in the "Survey and Certification" Module of GISIS to provide information and consult e-certification verification website information, but that only Bahamas, Cayman Islands (United Kingdom), Cook Islands, Denmark, France, Germany, Isle of Man (United Kingdom), Liberia, Malta, Marshall Islands, Saint Vincent and the Grenadines and Sierra Leone had confirmed the availability of their websites for verification of e-certificates via GISIS.

6.17 The Committee urged Member States to use GISIS<sup>3</sup> to provide their e-certification verification website information.

6.18 In this connection, the Committee noted that MSC 100 had approved a new output on "Development of amendments to the STCW Convention and Code for the use of electronic certificates and documents of seafarers", for consideration by the HTW Sub-Committee.

### **Electronic record books under MARPOL**

6.19 The Committee noted that MEPC 73 had approved, in principle, a draft MEPC resolution on Guidelines for the use of electronic record books under MARPOL and draft amendments to MARPOL Annexes I, II, V and VI and the NO<sub>x</sub> Technical Code concerning electronic record books (ERBs), with a view to adoption at MEPC 74.

6.20 The Committee also noted that MEPC 74 was expected to approve, in principle, draft amendments to the *Procedures for port State control, 2017* (resolution A.1119(30)), as set out in annex 15 to document PPR 5/24, and forward them to the III Sub-Committee for inclusion in future amendments to the Procedures; and draft amendments to the *2009 Guidelines for port State control under the revised MARPOL Annex VI* (resolution MEPC.181(59)), as set out in annex 16 to document PPR 5/24, with a view to adoption at a future session, in conjunction with other amendments to the 2009 Guidelines being developed by the PPR Sub-Committee.

### **Establishment of the Working Group on Electronic Business**

6.21 Having considered the above matters, the Committee established the Working Group on Electronic Business and instructed it, taking into account the comments made and decisions taken in plenary, to consider document FAL 43/6 and advise the Committee on a possible way forward.

### **Consideration of the report of the Working Group**

6.22 Having considered the report of the Working Group (FAL 43/WP.5), the Committee approved it in general and took action as indicated below.

6.23 The Committee noted the agreement within the Group that documents FAL 43/6 and C 113/11 identified recommendations that might be relevant to the implementation of the single window concept; that the list of the outputs of the committees might also have some relation to the electronic exchange of information or single window; and that both could be taken into account in relation to future reviews of the IMO Compendium.

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<sup>3</sup> <https://gisis.imo.org/Public/SURCERT/Certificates.aspx>

6.24 The Committee noted further the agreement of the Working Group that the findings of the Secretariat could be taken into account to identify possibilities for facilitating reporting and recordkeeping requirements originating in IMO instruments by leveraging electronic data exchange. In this regard, the Committee invited proposals from Member States to FAL 44 giving details on specific instances such as paper-based forms and records.

6.25 The Committee, having noted the opinion of the Working Group that the role of the Committee should be to help streamline work in other committees, that FAL had expertise in communications and electronic information collection and data exchange that could benefit other committees, and that single window, e-navigation, automated ship reporting and other information collection and reporting activities were all linked, agreed to invite other committees and sub-committees to approach the FAL Committee for advice and assistance in preparing the reporting and information exchange requirements for their current and future mandatory instruments for electronic exchange, as this collaboration would provide a more consistent approach and uniformity in the work of the Organization.

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

### **IMO Compendium on Facilitation and Electronic Business on data elements related to the FAL Convention**

7.1 The Committee recalled that WCO had coordinated a correspondence group, working on reviewing and revising the IMO Compendium on Facilitation and Electronic Business since FAL 39.

7.2 The Committee recalled that FAL 42 had approved the new format of the IMO Compendium as set out in the annex to document FAL 42/6; and had invited WCO to continue hosting the correspondence group, open to all interested parties, but limiting the work to the existing IMO Compendium, and to report on its progress to FAL 43, as appropriate.

7.3 The Committee acknowledged with thanks document FAL 43/7 (WCO), containing information on the progress of the work carried out intersessionally to harmonize data definitions and map relationships among data elements related to the ongoing review and revision of the IMO Compendium; and expressed deep appreciation to WCO for its role as coordinator of the work through its DMPT Focus Group on "IMO FAL Compendium Technical Maintenance". The Committee also expressed thanks to UNECE and ISO for their commitment in the harmonization of the various data models, and the other Member States and organizations for participating in the intersessional work. WCO informed the Committee that IPCSA was part of the group but was not mentioned in the document.

### **Future work for the review of the IMO Compendium in respect of additional e-business solutions**

7.4 The Committee, having recalled that FAL 42 had agreed to extend existing output 5.8 and change its title to "Review and revision of the IMO Compendium on Facilitation and Electronic Business, including additional e-business solutions", with a target completion year of 2021, considered documents FAL 43/7/1 and FAL 43/INF.3 (Liberia et al.), containing a high-level "gap-analysis" of the data not yet covered by the IMO Reference Data Model related to additional e-business solutions beyond the FAL Convention, including a preliminary list of data elements not yet covered by the IMO Reference Data Model.

7.5 The Committee also had for its consideration document FAL 43/7/3 (Ukraine), providing comments on document FAL 43/7/1, proposing to add data elements required during ship-shore interaction.

7.6 In the subsequent discussion, the majority of delegations that spoke expressed support to include further data elements in the IMO Compendium in addition to those contained in the FAL Forms. The following views were also expressed:

- .1 the development of the IMO Reference Data Model related to the new data elements should be aligned with the IMO Compendium to avoid overlaps and ensure a better structure;
- .2 the suggested common maritime data register portal for software developers would ensure easy accessibility;
- .3 focus should initially be on application of maritime single windows and ensuring their interoperability;
- .4 the list of data elements in the Compendium should facilitate exchange of information, not increase the scope of information to be reported by ships;
- .5 harmonization with other data model initiatives by the Organization should be pursued in a holistic approach;
- .6 the Compendium should be thought of as a reference manual to help harmonize the different data models currently used and for new models being created, and was not intended as a list of reporting requirements; and
- .7 IMO was an appropriate organization to own such standardized elements of data.

### **Future maintenance and publication of the IMO Compendium**

7.7 The Committee recalled the concerns expressed in the Working Group on Electronic Business at FAL 42 about the future maintenance of the IMO Compendium, for further consideration by FAL 43.

7.8 The Committee considered document FAL 43/7/2 (Secretariat), containing background information concerning past decisions on the maintenance of the IMO Compendium, including the following:

- .1 FAL 39 had agreed that the technical maintenance of the IMO Compendium would be carried out by WCO, with the FAL Committee remaining the competent body for policymaking (FAL 39/16, paragraphs 5.25 to 5.28);
- .2 FAL 40 had agreed that the IMO Compendium should be reviewed or clarified to address possible misinterpretations by relevant users and other stakeholders, such as UNECE, WCO and ISO, and be harmonized as much as possible with the underlying data models;
- .3 WCO had coordinated, since 2014, an informal group comprised of interested Member States and international organizations, including in particular UNECE and ISO as owners of other existing electronic data interchange (EDI) standards on facilitation of maritime trade. The group, established by WCO under the umbrella of the Data Model Projects Team

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(DMPT), had served as the focus group on "IMO FAL Compendium Technical Maintenance" and had regularly reported its progress to the Committee; and

- .4 the group had held numerous meetings at the WCO Headquarters in Brussels, supplemented by conference calls and extensive correspondence, to ensure good progress in the review of the IMO Compendium.

7.9 The Secretariat (FAL 43/7/2), having consulted UNECE, WCO and ISO, proposed that the responsibility for maintaining the IMO Compendium should be moved from WCO to IMO, under the following conditions:

- .1 maintenance of the IMO Compendium would be undertaken by a group of organizations and interested parties coordinated by the Secretariat, using existing personnel and resources;
- .2 the scope of the work of the group would include any further work related to the review of the IMO Compendium;
- .3 in the future, meetings of the group would, as a rule, be held at IMO Headquarters or in any other location agreed by the members; distant participation options would also be provided;
- .4 if approved by the Committee, the four organizations (IMO, UNECE, WCO and ISO) would establish a Memorandum of Understanding or similar instrument to agree on the basic principles for the maintenance of the IMO Compendium, e.g. scope of work and responsibilities of organizations; and
- .5 this arrangement would be valid for the current IMO Compendium related to the FAL Convention; any further data-modelling work would be discussed by the group in the future, to decide whether it could be undertaken under this arrangement or by other means, including involving other stakeholders, such as IHO, IALA and/or others.

7.10 The Secretariat (FAL 43/7/2) also proposed to provide electronic access to the IMO Compendium through an IMO server. The development of this tool would be undertaken in-house, as part of the ICT plan on data and information management and the cost would be absorbed within existing provisions for this purpose. The HTML publication would provide an easily understood visual online format of the IMO Compendium. In addition, the proposed development would support possible future extensions such as a bilateral link between syntax mappings and the data model, and would be integrated in the IMO website and include links to the external URLs as provided by UNECE, ISO and ISO TC8 that would allow viewers to access the data exchange structural definitions as soon as they were developed and published by each organization.

7.11 In the ensuing discussion, the Committee agreed to:

- .1 subject to endorsement by the Council, move the future maintenance of the Compendium from WCO to IMO under the above-mentioned conditions; costs would be absorbed under existing resources, and an intersessional group of technical experts should be established, the IMO Expert Group on Data Harmonization, open to all interested Member States and international organizations. The Secretariat informed the Committee that this group would

not have a significant impact on the budget of the Organization, but the Committee requested the Secretariat to inform C 122 of the budget implications, if any, of this arrangement;

- .2 bring this work to the attention of MSC, for example in relation to e-navigation and maritime services;
- .3 invite WCO to continue hosting the informal group under current arrangements until the new arrangement would formally enter into force;
- .4 convert the target year of the output on "Review and revision of the IMO Compendium on Facilitation and Electronic Business, including additional e-business solutions" to continuous, taking into account the developing and changing nature of the work and the views expressed in regard to including further data elements in the IMO Compendium in the future; and
- .5 provide electronic access to the IMO Compendium through an IMO server.

### **Maritime services in the context of e-navigation**

7.12 The Committee considered document FAL 43/2/1 (Secretariat), containing the outcome of NCSR 6 on the definition of maritime services, including the approval of a draft MSC resolution on Guidance on the definition and harmonization of the format and structure of Maritime Services in the context of e-navigation (NCSR 6/23, paragraph 8.17.1 and annex 10) and a draft MSC circular on Initial descriptions of Maritime Services in the context of e-navigation, for approval by MSC 101 (NCSR 6/23, paragraph 8.17.2 and annex 11).

7.13 In the ensuing discussion, the following views were expressed:

- .1 Maritime Service 4 (Port support Service) should only cover SOLAS chapter V and search and rescue requirements, while Maritime Service 8 (Vessel shore reporting) should cover all information required by local authorities; and
- .2 the Committee should appropriately address this issue before MSC made a decision, and consideration should be given to developing a new output for this work at this session and/or the establishment of a correspondence group to take this work forward as soon as possible.

### **Instructions to the Working Group**

7.14 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:

- .1 consider document FAL 43/7 and finalize the IMO Compendium on Facilitation and Electronic Business in respect to the data mandated by the FAL Convention;
- .2 consider documents FAL 43/7/1, FAL 43/7/3 and FAL 43/INF.3, and prepare the terms of reference for an intersessional experts group on the maintenance of the IMO Compendium and a timeline for its review on data elements beyond the FAL Convention; and
- .3 consider document FAL 43/2/1 and advise which actions should be taken by Committee with regard to the definition of maritime services.



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## Consideration of the report of the Working Group

7.15 Having considered the report of the Working Group (FAL 43/WP.5), the Committee approved it in general and took action as indicated below.

### IMO Compendium

7.16 The Committee approved FAL.5/Circ.41 on *Revised IMO Compendium on Facilitation and Electronic Business*.

7.17 The Committee noted the opinion of the Working Group that the revised Compendium should be the foundation of harmonization and interoperability among single window systems.

7.18 The Committee requested the Secretariat to advise the Committee at its next session whether it is possible to develop a new corresponding database in the Facilitation Module in GISIS, to collect information on which single window environments were able to receive machine-to-machine data exchange according to the updated IMO Compendium, and, if so, what the budget implications would be.

### Terms of reference of the IMO Expert Group on Data Harmonization and timeline for its review on data elements beyond the FAL Convention

7.19 The Committee, having approved the priority list of data elements based on documents FAL 43/7/3 and FAL 43/INF.3 set out in annex 1, agreed to the following terms of reference of the IMO Expert Group on Data Harmonization, to be hosted at IMO twice annually:

- .1 continue work related to the maintenance of the IMO Compendium;
- .2 consider data elements beyond the FAL Convention, based on documents FAL 43/7/1, FAL 43/7/3 and FAL 43/INF.3, taking into account the priority list of data elements set out in annex 1 and giving priority to data sets with priority 1;
- .3 commence work on WHO reporting and acknowledgement receipts; and
- .4 submit a report in time for consideration by the next session of the Committee.

7.20 The Committee further agreed on the following timeline for the Expert Group:

- .1 second half of 2019 – hold initial group meeting and commence work on new code lists to support the Compendium; begin discussions on priority 1 items;
- .2 first half of 2020 (consecutive with FAL 44) – continue code list work and report progress on priority 1 items to FAL 44; evaluate progress and propose achievable deliverables to FAL 45;
- .3 second half of 2020 – continue code list work and priority 1 items; and
- .4 first half of 2021 (consecutive with FAL 45) – report progress to FAL 45; evaluate progress and plan future tasks.

**Maritime services in the context of e-navigation**

7.21 The Committee agreed to include in its biennial agenda and the provisional agenda for FAL 44 output 2.11 as an associate organ in the existing output. The Committee noted that NCSR 6, upon completing the work on this output, had recommended to MSC 101 the renaming of output 2.11 *Develop guidance on definition and harmonization of the format and structure of Maritime Service Portfolios (MSPs)* to read: *Consideration of descriptions of Maritime Services in the context of e-navigation*.

7.22 The Committee agreed further to invite MSC to instruct NCSR 7 to report to FAL 44 on the outcome of its work on output 2.11.

**Terms of reference of the Correspondence Group to Review the Descriptions of Maritime Services related to the FAL Committee**

7.23 The Committee agreed to establish a Correspondence Group to Review the Descriptions of Maritime Services related to the FAL Committee, under the coordination of Norway,<sup>4</sup> and instructed it to:

- .1 review the initial descriptions of Maritime Services 4 (Port support service) and 8 (Vessel shore reporting) in the draft MSC circular on initial descriptions of Maritime Services in the context of e-navigation, and, as appropriate, the descriptions of Maritime Services 6 (Pilotage service), 7 (Tug service), and 10 (Maritime assistance service);
- .2 review documents FAL 43/6 and C 113/1 to identify other information related to Maritime Services and opportunities for collaboration between FAL and NCSR;
- .3 provide comments that the Committee can consider for forwarding to the NCSR Sub-Committee and MSC;
- .4 consider how the Committee can cooperate with the NCSR Sub-Committee as this work progresses; and
- .5 submit a report in time for consideration at the next session of the Committee.

**8 DEVELOPING GUIDANCE FOR AUTHENTICATION, INTEGRITY AND CONFIDENTIALITY OF CONTENT FOR THE PURPOSE OF EXCHANGE VIA MARITIME SINGLE WINDOW**

8.1 The Committee recalled that FAL 41 had approved, for inclusion in the 2018-2019 biennial agenda of the Committee and the provisional agenda for FAL 42, an output on "Developing guidance for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window", with two sessions needed to complete the item.

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8.2 The Committee considered document FAL 43/8 (ISO), providing draft text of guidelines and raising the following questions for its consideration:

- .1 whether it would be necessary to develop new standards, to be included in the draft guidelines, for some of the components needed to realize electronic signatures and efficient maritime messaging at an international level, and if so, instruct ISO TC8 accordingly; and
- .2 whether the guidelines should be brought to the attention of MSC so that it could consider their usefulness in the data exchanges that were being developed in the scope of e-navigation maritime services.

8.3 In the ensuing discussion, the following views were expressed:

- .1 the new guidance should be aligned with Regulation (EU) 910/2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS regulation), and should also take into account the IHO S-100 Standard;
- .2 the Committee should inform MSC on the development of these guidelines;
- .3 IMO should invite ISO to develop international standards;
- .4 in case the decision was to develop international standards, the technology for this development should be neutral; and
- .5 introducing burdens for the industry regarding new standards related to electronic signatures should be avoided.

### **Instructions to the Working Group**

8.4 The Committee instructed the Working Group on Electronic Business, established under agenda item 6, taking into account the decisions, comments and proposals made in plenary, to:

- .1 further develop the draft Guidelines for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window, set out in the annex to document FAL 43/8; and
- .2 advise on the need for new international standards as outlined in section 7 of the draft guidelines for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window.

### **Report of the Working Group**

8.5 Having considered the relevant part of the Working Group's report (FAL 43/WP.5), the Committee took action as indicated in the following paragraphs.

8.6 The Committee noted the following comments of the Working Group:

- .1 concerns were raised regarding the implications of residency requirements and a single authority for issuing authentication certificates as described in the draft guidelines set out in the annex to document FAL 43/8;

- .2 whether existing standards had been considered and accommodated in the draft guidelines;
- .3 ISO may need to be requested to develop international standards to supplement the draft guidelines; and
- .4 in general, the Group expressed confusion over the mechanics of authentication and recognized that much of the process was embedded in electronic data exchange software solutions.

8.7 The Committee agreed that MSC and MEPC should be advised on the progress of the work related to the draft Guidelines for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window; and encouraged further comments to be submitted for consideration.

8.8 The Committee invited ISO-TC 8 to develop international standards for possible consideration at the next session of the Committee.

## **9 GUIDELINES FOR SETTING UP A MARITIME SINGLE WINDOW**

9.1 The Committee recalled that the Working Group on Electronic Business at FAL 42 had resolved priority outstanding issues identified by the Correspondence Group on Update the Guidelines for Setting up a Single Window System in Maritime Transport.

9.2 The Committee also recalled that FAL 42 had agreed to change the description of the output "Guidelines for setting up a single window system in maritime transport (FAL.5/Circ.36)" to "Guidelines for setting up a maritime single window", and had re-established the Correspondence Group to Amend the Guidelines for Setting up a Maritime Single Window under the coordination of Japan.

9.3 The Committee noted with appreciation the report of the Correspondence Group to Amend the Guidelines for Setting up a Maritime Single Window (FAL 43/9 and FAL 43/INF.2), in particular the work carried out by its Coordinator, Mr. Junya Iida (Japan).

9.4 One delegation expressed the opinion that standardization and harmonization of information were key elements to the success of the maritime single window; without them it was impossible to ensure a common understanding and interoperability of transferred data and facilitate direct machine-to-machine communication, and it was therefore necessary to establish a common IMO Data Set that worked together with the IMO Reference Data Model. Harmonizing the two would provide a hierarchical data structure necessary to build the basis for electronic messages and, therefore, the Working Group should make specific use of the IMO reference model when reviewing the draft guidelines.

### **Instructions to the Working Group**

9.5 The Committee instructed the Working Group on Electronic Business, established under agenda item 6, taking into account document FAL 42/9 and the relevant discussions and decisions in plenary, to consider document FAL 43/9 and finalize the revised *Guidelines for setting up a single window system in maritime transport* (FAL.5/Circ.36).

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## Consideration of the report of the Working Group

9.6 Having considered the relevant part of the Working Group's report (FAL 43/WP.5), the Committee approved FAL.5/Circ.42 on *Revised guidelines for setting up a maritime single window*.

### 10 UNSAFE MIXED MIGRATION BY SEA

10.1 The Committee recalled that the Global Compact for Safe, Orderly and Regular Migration (Global compact for migration) was a three-phase UN-wide approach to address the issue and that the consultation phase on it had taken place from April to November 2017.

10.2 The Committee considered document FAL 43/10 (Secretariat) and noted that the negotiations on the Global compact for migration had started in April 2017, and UN Member States had finalized its text on 13 July 2018. The instrument had been developed through an open, transparent and inclusive process of consultations and negotiations and the effective participation of all relevant stakeholders, including civil society, the private sector, academic institutions, parliaments, diaspora communities, and migrant organizations in both the intergovernmental conference and its preparatory process. Regarding the Global Compact on Responsibility-sharing for Refugees (Global compact on refugees), formal consultations had taken place between February and July 2018 to discuss the iterative draft texts of the Global compact.

10.3 In this connection, the Committee noted that MSC 100 had considered a document with the same content as document FAL 43/10, and Member States and international organizations, including representatives of IOM, UNHCR and EUNAVFOR MED, had expressed their views on the progress of the compacts (MSC 100/20, paragraph 15.5). The Committee also noted that MSC 100 had invited the Secretariat and participating UN agencies to inform MSC 101 of the progress made with the global compacts.

10.4 The Committee considered document FAL 43/10/1 (Secretariat) and noted that the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration had taken place in Marrakech, Morocco, on 10 and 11 December 2018. The Committee also noted that during the conference the United Nations Secretary-General launched a new UN Network on Migration to best position the UN to support Member States as they implemented the compact. The UN General Assembly officially endorsed the Global compact for migration<sup>5</sup> on 19 December 2018. Regarding the Global compact on refugees, following a consultation process, including a series of thematic discussions and meetings in 2017, and formal consultations on successive drafts between February and July 2018, the UN General Assembly considered the Global Compact on Responsibility-sharing for Refugees (Global compact on refugees) as part of a resolution on the Office of UNHCR,<sup>6</sup> and adopted it on 17 December 2018.<sup>7</sup>

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<sup>5</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/451/99/pdf/N1845199.pdf?OpenElement>

<sup>6</sup> [https://www.unhcr.org/gcr/GCR\\_English.pdf](https://www.unhcr.org/gcr/GCR_English.pdf)

<sup>7</sup> <https://www.unhcr.org/en-lk/excom/unhcrannual/5c4088f44/resolution-adopted-general-assembly-17-december-2018.html>

10.5 The Committee noted that a number of migrants from a group of more than 100 persons who had been rescued by the Palau-flagged small tanker **ELHIBLU 1** off Libya hijacked the vessel after being told they would return to Libya and instead forced the Captain to proceed to Malta. However, the Maltese armed forces took control of the tanker when it was approximately 30 nautical miles off Malta. The vessel arrived in Senglea, Valetta, in the morning of Thursday 28 April 2019, to be handed over to the Maltese police for further investigations.

10.6 The Secretary-General expressed his sincere appreciation to Malta for solving the incident so efficiently.

10.7 The Committee agreed to extend this output until 2021, with the aim of keeping informed of the issue of mixed migration, and to inform C 122 of this extension.

## **11 DEVELOPMENT OF AMENDMENTS TO THE RECOMMENDATIONS ON THE ESTABLISHMENT OF NATIONAL FACILITATION COMMITTEES (FAL.5/CIRC.2)**

11.1 The Committee recalled that FAL 42 had agreed to include in the 2018-2019 biennial agenda of the Committee and the provisional agenda for FAL 43 an output on "Development of amendments to the *Recommendations on the establishment of national facilitation committees* (FAL.5/Circ.2)", with a target completion year of 2020.

11.2 The Committee also recalled that FAL 42, when considering document FAL 42/16 (Secretariat), containing an outline of the Organization's guidance on national maritime transport facilitation programmes and committees, had recognized the importance of establishing national maritime transport facilitation committees and implementing national maritime facilitation programmes, and had agreed:

- .1 to request Contracting Governments that had national maritime facilitation committees and programmes, or similar arrangements in accordance with Recommended Practices 7.11 and 7.12, to update the "Notifications pursuant to article VIII of the FAL Convention" Module in GISIS;
- .2 that the development of best practice guidance on national maritime facilitation committees and programmes would be of benefit to Member States;
- .3 to request the Secretariat to collect and collate information from Member States on national maritime facilitation committees and programmes, for consideration at a future session of the Committee, as appropriate;
- .4 to invite Contracting Governments that had national maritime facilitation committees and programmes to share information on:
  - .1 terms of reference for national maritime facilitation committees;
  - .2 composition and methods of work of national maritime facilitation committees;
  - .3 contents of national maritime facilitation programmes;
  - .4 interaction between national maritime facilitation committees and wider national facilitation committees, maritime security bodies and port-level committees; and

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- .5 any national legislation adopted to give legal force to the national maritime facilitation programme; and
  - .5 to request the Secretariat to develop a corresponding database in the Facilitation Module in GISIS to collect the information listed in sub-paragraph .4 above.

11.3 The Committee considered document FAL 43/19/3 (Secretariat), containing the information collected by the Secretariat from Member States and Associate Members by means of a questionnaire on national facilitation committees and national facilitation programmes in their countries, submitted in October 2018. Argentina, Kenya and Latvia had sent their information after document FAL 43/19/3 had been issued. The total number of replies received was 78 from Member States and 3 from Associate Members, with the following results:

- .1 21 Member States have national facilitation committees and 14 have national facilitation programmes;
- .2 nine Member States submitted a link to their national facilitation committees; and
- .3 eight Member States submitted a link to their national facilitation programmes.

11.4 The Secretariat informed the Committee of the creation of a database in the Facilitation Module in GISIS to collect the information on the national facilitation committees, and the plan to release instructions on its use shortly after FAL 43, by means of a circular letter.

11.5 The following views were expressed in the ensuing discussion:

- .1 taking account that the size and structure of Member States are very different, establishing a committee is not always needed when proper coordination mechanisms are in place; and
- .2 a description of the national facilitation committees and national facilitation programmes in the Facilitation GISIS Module to collect the information on the national facilitation committees would be convenient, as the lack of understanding on their meaning could be the reason for the low number of replies received by the Secretariat mentioned above.

11.6 The Committee considered document FAL 43/11 (Turkey), proposing to replace the existing title of the guidelines, i.e. Guidelines for the establishment, membership and operation of national facilitation committees, with the following: Guidelines on national maritime transport facilitation committees; including a proposed list of contents of the revised circular; and proposing the establishment of a correspondence group for the review of the guidelines.

11.7 The Committee agreed to submit this document for the consideration of a working group, as there was general support for the proposal of amendments, and for establishing a correspondence group. The Committee also agreed to request the working group to consider and advise regarding the replacement of the name of the guidelines, and to prepare a description of the national facilitation committees and national facilitation programmes.

### **Establishment of the Working Group on Other Facilitation Subjects**

11.8 Having considered the above matters, the Committee established the Working Group on Other Facilitation Subjects and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 consider documents FAL 43/11 and FAL 43/19/3 and provide comments and advice on the contents of the revised *Guidelines for the establishment, membership and operation of national facilitation committees*, as appropriate;
- .2 consider whether it is necessary to establish a correspondence group on revised *Guidelines for the establishment, membership and operation of national facilitation committees* and, if so, prepare terms of reference for consideration by the Committee; and
- .3 provide a description of national facilitation committees and national facilitation programmes to be included in the GISIS database.

### **Consideration of the report of the Working Group**

11.9 Having considered the report of the Working Group (FAL 43/WP.7), the Committee approved it in general and took action as indicated hereunder.

11.10 Based on the discussions of the Working Group, the Committee emphasized the importance of establishing national facilitation committees and programmes, and encouraged Member States to provide information on them in the new module of GISIS and effectively implement the FAL Convention.

11.11 The Committee agreed to modify the title of FAL.5/Circ.2 on *Guidelines for the establishment, membership and operation of national facilitation committees* to *Guidelines for national maritime transport facilitation committees and programmes*.

### **Terms of reference of the Correspondence Group on Guidelines for National Maritime Transport Facilitation Committees and Programmes**

11.12 The Committee agreed to establish a Correspondence Group on Guidelines for National Maritime Transport Facilitation Committees and Programmes, under the coordination of Turkey,<sup>8</sup> and instructed it to:

- .1 taking into account the relevant information provided by the IMO Secretariat in document FAL 43/19/3, and the good practice of Member States and recognized organizations; to finalize draft amendments to FAL.5/Circ.2;
- .2 prepare any consequential amendments to the annex to the FAL Convention, if necessary; and
- .3 submit a report in time for consideration at the next session of the Committee.

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## **12 DEVELOPMENT OF GUIDELINES ON CREATING A TOOL TO MEASURE DOMESTIC IMPLEMENTATION OF THE FAL CONVENTION**

12.1 The Committee recalled that FAL 42 had agreed to include in the 2018-2019 biennial agenda of the Committee and the provisional agenda for FAL 43 an output on "Development of guidelines on creating a tool to measure domestic implementation of the FAL Convention", with a target completion year of 2020.

12.2 The Committee considered document FAL 43/12 (Chile), presenting a proposed text for a FAL circular on developing a tool to measure domestic implementation of the FAL Convention.

12.3 The following views on the matter were expressed:

- .1 the tool should be voluntary and national administrations would have the choice to use it or not and to decide on the methodology and tools for measuring implementation of the FAL Convention;
- .2 including a checklist in the guidelines in the tool would be useful for Member States; and
- .3 WTO had a similar tool that came with a guidance document for implementing the facilitation of trade agreements.

### **Instructions to the Working Group**

12.4 The Committee instructed the Working Group on Other Facilitation Subjects, established under agenda item 11, taking into account document FAL 43/12 and the comments and decisions made in plenary, to develop guidelines on creating a tool to measure domestic implementation of the FAL Convention.

### **Consideration of the report of the Working Group**

12.5 Having considered the relevant part of the Working Group's report (FAL 43/WP.7), the Committee took action as indicated in the following paragraphs.

12.6 The Committee noted the progress made by the Working Group with regard to the development of guidelines on creating a tool to measure domestic implementation of the FAL Convention, and in particular:

- .1 the view of the Working Group that use of these voluntary guidelines is a Member State decision; and
- .2 its recommendation that the definitions in the guidelines should be in line with those in the FAL Convention; and a specific definition on the term "tool" should be provided.

12.7 The Committee invited Member States to submit proposals to FAL 44 on other elements, such as a checklist, questionnaire template or explanatory note that can assist Member States evaluating the domestic implementation of the FAL Convention. In this regard, the delegation of Chile<sup>9</sup> invited interested Member States to contact them, with a view to collaborating on proposals to FAL 44 regarding questionnaires to be included as an annex to the guidelines.

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

#### Consideration and analysis of reports and information on stowaways

13.1 The Committee noted that, in accordance with the amendments to the FAL Convention adopted by resolution FAL.12(40), public authorities have to report all stowaway incidents of which they become aware to the Secretary-General.

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

Year	2011	2012	2013	2014	2015	2016	2017	2018
Number of incidents	73	90	70	61	28	55	63	47
Number of stowaways	193	166	203	120	80	163	157	182

13.3 The Committee noted that the total number of reports received by the Organization up to 31 December 2018 was 4,624, which involved 14,452 stowaways; and the fact that, despite the new facility provided in GISIS, the downward trend of notifications to IMO was pronounced and the number of reports submitted very low; and, therefore, the statistics were not very reliable.

13.4 The Committee recalled that the P&I Clubs had carried out four data collection exercises with respect to stowaways. The results of the first three, for the policy years commencing 20 February 2007, 2011 and 2014 respectively, had been previously reported to the Committee by means of documents FAL 36/6, FAL 38/6/2 and FAL 41/17.

13.5 The Committee considered document FAL 43/13 (P&I Clubs), which provided information on an analysis of claims data collated by them on stowaway cases in the policy years 2007, 2011, 2014 and 2017 in order to facilitate the discussions on stowaways in the Committee.

13.6 The Committee noted that that the figures provided by the P&I Clubs suggested that the scale of the stowaway problem was still significant. While the number of incidents had nearly halved during the 11-year period from 2007 to 2017, the number of stowaways per incident had increased by nearly 50%, and the total cost net of deductible to the P&I Clubs, including fines imposed by Governments on shipowners, had decreased by some 30%, from \$14.3 million in 2007 to \$9.5 million in 2017. The P&I Clubs noted a significant reduction in the number of incidents emanating from some West African ports, which could represent a

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positive outcome of the seminars on stowaways organized by IMO in Abidjan and Durban in 2014 and in Yaoundé in 2017. The document also mentioned the low number of stowaway incidents reported to IMO in GISIS compared with the numbers collected by the P&I Clubs.

13.7 The Committee expressed appreciation to the P&I Clubs for presenting this information and invited them to continue doing so at future sessions. The Committee also recognized that the efforts made by the Secretariat, with the cooperation of the P&I Clubs and some Member States and international organizations, to organize seminars on stowaways had had a positive impact on the reduction of stowaway incidents.

13.8 The Committee, having noted that the statistics published by IMO presented lower figures of stowaways than the figures reported by the P&I Clubs, urged Member States and international organizations to provide timely and accurate information on stowaway cases to the Organization in accordance with Standard 4.7.1 of the FAL Convention, making use of the relevant GISIS module.

13.9 The following views were expressed in the ensuing discussion:

- .1 the efforts of authorities, including port and maritime authorities, to enhance enforcement of the ISPS Code and other relevant legislation had been an important factor in reducing the number of stowaway incidents;
- .2 the Organization should continue engaging with Member States to solve this problem;
- .3 the Secretariat should explore what could be accounting for the disparity in reports from Member States and the statistics of the P&I Clubs;
- .4 masters and shipowners should submit information to PSC when discovering stowaways after the ship had left port, for necessary follow-up and proper action by port States;
- .5 it was important to employ the appropriate verification process to determine the nationality of the stowaway.

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

13.10 The Committee noted that, since the launch of the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS<sup>10</sup> on 6 July 2015, only seven incidents had been entered in the database.

13.11 Having noted the low level of reporting of migrant incidents at sea and of 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 in the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS.

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<sup>10</sup> Refer to Global Integrated Shipping Information System (GISIS) – Inter-agency platform for information-sharing on migrant smuggling by sea (Circular Letter No.3569).

## **14 TECHNICAL COOPERATION ACTIVITIES RELATED TO FACILITATION OF MARITIME TRAFFIC**

14.1 The Committee considered document FAL 43/14 (Secretariat), reporting on the status of activities relevant to the implementation of the FAL Convention, as amended, conducted under ITCP in the period from December 2017 to December 2018, and noted that:

- .1 five national seminars had been held in Equatorial Guinea, Kiribati, Mauritania, Mozambique and the Solomon Islands to promote accession to the FAL Convention and to encourage better implementation, offering a better understanding of the Convention; using electronic means for the clearance of ships and the use of the single window concept; and focusing on improving the coordination between public authorities and the private sector in ports; and
- .2 a seminar on "Stowaways: analysis of the current situation and measures to reduce their number" had been held in Cameroon.

14.2 The Committee urged Member States and industry to continue contributing to the Organization's technical cooperation programme.

14.3 The Committee further noted the following activities:

- .1 a national workshop on maritime single window had been held in Cameroon from 10 to 12 December 2018, following a request by Cameroon to satisfy one of the recommendations proposed by the IMO consultants upon the completion of the "Demonstration project to determine the potential role of maritime transport facilitation in reduction of poverty" in March 2015; and
- .2 a national seminar on facilitation of maritime traffic had been held in Djibouti from 22 to 24 January 2019.

14.4 The Committee considered document FAL 43/14/2 (Cameroon) containing information on the national workshop on maritime single window held in Cameroon in December 2018. The seminar took place in the context of the reflections on the widening of the functioning of the Single Window for Foreign Trade Transaction of Cameroon (e-GUCE platform) operated by Foreign Trade Single Window National Company to integrate the expected functionalities of the maritime single window in the context of the FAL Convention, and, in particular, to make all documentary exchanges related to vessels' and ships' calls mandatory by April 2019. At the end of the seminar, the participants agreed to a list of recommendations on the maritime single window, and Cameroon requested additional technical assistance from IMO for the implementation of those recommendations, with a view to the operational implementation of the maritime single window function within the e-GUCE platform. The Committee noted that additional technical assistance from IMO for the implementation of the said recommendations was a matter of discussion between Cameroon and the Secretariat, in particular the Technical Cooperation Division.

### **Proposed thematic priorities of ITCP for the 2020-2021 biennium**

14.5 The Committee recalled that FAL 41 had approved thematic priorities for ITCP in relation to FAL matters for the 2018-2019 biennium. Subsequently the Technical Cooperation Committee, at its sixty-seventh session in 2017, approved the ITCP for 2018-2019, based on the thematic priorities agreed by the Committees and the corresponding needs of developing countries.

14.6 The Committee noted that TC 69, to be held in June 2019, was expected to approve the ITCP for 2020-2021, based on the assessed needs of the beneficiaries, the approved work programme of the Organization, the thematic priorities agreed by the Committees and the corresponding needs of developing countries.

14.7 In this regard, although the main needs of countries/regions had not changed substantially and the eight thematic priorities presented for the consideration of the Committee at FAL 36 would continue to apply to most regions, the Secretariat, based on experience gained with the delivery of technical assistance and the new FAL instruments adopted since FAL 36, suggested a revised list of thematic priorities of ITCP for the 2020-2021 biennium. Thematic priorities 1, 2, 3, 5 and 7 of the annex to document FAL 43/14/1 are identical to the thematic priorities 1, 2, 3, 5 and 8 agreed by FAL 36, and thematic priorities 4 and 6 were drafted to reflect the work of the Committee in the last years, including the amendments to the FAL Convention adopted by resolution FAL.12(40).

14.8 The Committee approved the selected thematic priorities for ITCP for the 2020-2021 biennium, as set out in annex 2, and requested the Secretariat to forward them to the Technical Cooperation Committee.

14.9 The Committee urged Member States to ensure that their FAL-related technical assistance needs were well reflected in their Country Maritime Profiles, and to ensure that this information was kept updated in the relevant GISIS module.

## **15 RELATIONS WITH OTHER ORGANIZATIONS**

15.1 In considering document FAL 43/15 (Secretariat), the Committee noted the relevant decisions of C 120 and C 121 with regard to relations with non-governmental organizations, applications for consultative status and related matters.

## **16 APPLICATION OF THE COMMITTEE'S PROCEDURES ON ORGANIZATION AND METHOD OF WORK**

### **Revised Rules of Procedure of the Facilitation Committee**

16.1 The Committee recalled that, following the decision of C 116 to harmonize the terms of office in the Rules of Procedure of the committees (and by extension sub-committees), to limit the total term of office of the Chair and Vice-Chair to five years, and to establish the use of the new gender-neutral term "Chair" in the Rules of Procedure, FAL 42 had adopted revised Rules of Procedure of the Facilitation Committee, harmonizing the provisions with those of MSC and MEPC.

### **Revised document on Organization and method of work of the Facilitation Committee**

16.2 The Committee recalled that, pursuant to the instruction in resolution A.1111(30) to review and revise during the 2018-2019 biennium the document on the organization and method of its work, taking account of the document on *Application of the Strategic Plan of the Organization* (resolution A.1111(30)), FAL 42 had approved FAL.3/Circ.214 on *Organization and method of work of the Facilitation Committee*.

16.3 In this connection, the Committee noted that MSC 100 had decided to discontinue the preliminary assessment of capacity-building implications and technical assistance needs related to new outputs for amending mandatory instruments at the time of approval of such outputs, because of the difficulties to fully evaluate the implications of a new output before any amendments or other related mandatory instruments had been finalized for consideration. MSC 100 had requested the Secretariat, subject to concurrent action by MEPC 74, to:

- .1 prepare associated draft amendments to the Committees' method of work (MSC-MEPC.1/Circ.5/Rev.1), for consideration at MSC 101; and
- .2 provide to MSC 101 an analysis of past capacity-building assessments to determine whether the findings resulted in any "added value" action being taken.

## **17 WORK PROGRAMME**

### **Maritime corruption and the impact on global trade, port governance and seafarers**

17.1 The Committee considered document FAL 43/17 (Liberia et al.) proposing a new output on maritime corruption and the impact on global trade, port governance and seafarers, and proposing also that amendments to the annex to the FAL Convention be considered and that guidance or best practices on the subject be developed. The Committee, having noted existing output 5.10 on "Review and update the annex of the FAL Convention", with a target completion year of 2021, under which proposals to include the issue of maritime corruption in the FAL Convention could be made, agreed to include in its 2020-2021 biennial agenda and the provisional agenda for FAL 44 an output on "Guidance to address maritime corruption", with a target completion year of 2021.

17.2 The Committee, recognizing that capacity-building on the subject of corruption in the maritime industry could contribute to the achievement of Sustainable Development Goal 16, target 5 "Substantially reduce corruption and bribery in all their forms" agreed to inform the Technical Cooperation Committee about its decision to embark on this work.

17.3 The Committee requested the Secretariat to liaise with the United Nations Office on Drugs and Crime as appropriate, with a view to seeking their input for the benefit of future discussions.

### **Endorsement of new output**

17.4 In accordance with the relevant provisions of the *Application of the Strategic Plan of the Organization* (resolution A.1111(30)), the Committee invited C 122 to endorse the aforementioned new output, for inclusion in the current list of outputs.

### **Biennial status report of the Facilitation Committee**

17.5 The Committee endorsed the status of planned outputs for the 2018-2019 biennium, which had been prepared by the Secretariat in consultation with the Chair, and accordingly invited C 122 to note the report on the status of outputs of the Facilitation Committee, as set out in annex 3.

### **Outputs of the Facilitation Committee for the 2020-2021 biennium**

17.6 The Committee approved the outputs for the 2020-2021 biennium for the Committee, as set out in annex 4, for submission to C 122.

### **Post-biennial agenda of the Committee**

17.7 The Committee agreed to delete the output on "Measures to protect the safety of persons rescued at sea" from its post-biennial agenda, since only two documents had been submitted by Member States and international organizations since the output was included in the agenda of the COMSAR Sub-Committee in 2009. The Committee endorsed the status of

planned outputs accepted as post-biennial outputs for the 2020-2021 biennium, which had been prepared by the Secretariat in consultation with the Chair, and accordingly invited C 122 to note the post-biennial agenda of the Facilitation Committee, as set out in annex 5.

### **Intersessional meetings**

17.8 The Committee, having recalled its decision to establish an IMO Expert Group on Data Harmonization, approved the following intersessional meetings in 2019 and 2020, subject to entry into force of the new arrangement with UNECE, WCO and ISO, all subject to the endorsement of the Council (see paragraph 7.11.1):

- .1 the first meeting of the Group, to be held in the second half of 2019;
- .2 the second meeting of the Group, to be held back-to-back with FAL 44, in April 2020; and
- .3 the third meeting of the Group, to be held in the second half of 2020.

### **Substantive items for inclusion in the agenda for FAL 44**

17.9 Having considered the proposals in document FAL 43/WP.3, the Committee agreed to the substantive items to be included in the agenda of its forty-fourth session, as set out in annex 6. In this connection, the Committee also agreed that all Secretariat documents for that session would be made publicly available prior to the meeting (see also paragraph 2.4).

### **Establishment of working and drafting groups at FAL 44**

17.10 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 44:

- .1 electronic business;
- .2 facilitation instruments;
- .3 other facilitation subjects; and
- .4 regulatory scoping exercise for the use of maritime autonomous surface ships (MASS).

17.11 The Committee further agreed that, should the need arise, FAL 44 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 the provisional timetable for FAL 44 and a list of the likely working or drafting groups to be established.

### **Date and venue of the next session**

17.12 The Committee noted that FAL 44 had been tentatively scheduled to take place from 20 to 24 April 2020.

## **18 ELECTION OF CHAIR AND VICE-CHAIR FOR 2020**

18.1 In accordance with its Rules of Procedure, the Committee unanimously elected Mrs. Marina Angsell (Sweden) as Chair and Mrs. Hadiza Bala Usman (Nigeria) as Vice-Chair, both for 2020.

## **19 ANY OTHER BUSINESS**

### **Maritime corruption and its impact on global trade, port governance and seafarers**

19.1 The Committee recalled that FAL 42, when considering document FAL 42/16/3 (ICS et al.) describing the negative impact of maritime corruption, had agreed that corruption had a significant impact on the image of the maritime industry and ports and on the facilitation of maritime traffic and security of port operations.

19.2 The Committee also recalled its previous decision to request the Secretariat, in coordination with the Legal Affairs and External Relations Division, to provide advice to FAL 43 on a possible way forward to address this problem, including alternatives for using GISIS as a reporting mechanism; and its invitation to Member States and international organizations to submit documents to FAL 43 with suggested actions to address this problem.

19.3 The Committee further recalled that it had agreed to include in its 2020-2021 biennial agenda and the provisional agenda for FAL 44 an output on "Guidance to address maritime corruption", with a target completion year of 2021 (see paragraph 17.1).

19.4 Having considered document FAL 43/19 (Secretariat) describing a possible way forward to address the issue, the Committee agreed that the proposal for using GISIS as a reporting and restricted dissemination mechanism, and any legal implications, should be discussed under the new output. The Legal Affairs and External Relations Division was invited to inform FAL 44 on the potential legal exposure, if any, pertaining to the dissemination of potential cases of corruption to parties concerned.

### **Training material for the safe and efficient transport of radioactive materials**

19.5 The Committee recalled that FAL 42, when considering document FAL 42/16/1 (WNTI) containing information on the continuing difficulties encountered with the shipment of IMDG Code class 7 radioactive materials, had agreed to actions to address these difficulties, including the invitation to CCC 5 to consider whether any training materials for the safe and efficient transport of radioactive materials were needed (e.g. a model course).

19.6 The Committee noted that CCC 5 had agreed to keep in abeyance the decision on whether the difficulties associated with the shipment of radioactive materials could be improved by the development of additional training materials because it needed further information and input from industry in order to proceed with a decision on the model course. Consequently, the Sub-Committee had encouraged interested Member States and international organizations to work together with a view to carrying out a gap analysis for the existing training materials, for submission to a future session of the Sub-Committee. The Committee requested the Secretariat to provide updates on the progress made by the CCC Sub-Committee on the matter to future sessions.



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## Regulatory scoping exercise for the use of maritime autonomous surface ships (MASS)

19.7 The Committee considered document FAL 43/19/2 (Secretariat), providing information related to the decisions of other IMO bodies in respect of MASS, in particular MSC 98, LEG 105, MSC 99, MEPC 73 and MSC 100; and a plan of work and procedures for a regulatory scoping exercise for the use of MASS by the FAL Committee, as set out in the annex of the document, based on the plan of work approved by MSC 100.

19.8 The Committee noted the decisions of LEG 106 with respect to the regulatory scoping exercise and a gap analysis of conventions under the responsibility of the Legal Committee relating to MASS.

19.9 The Committee agreed to:

- .1 include an output on "Regulatory scoping exercise for the use of maritime autonomous surface ships (MASS)" in its 2020-2021 biennial agenda and the provisional agenda for FAL 44, with a target completion 2020, and to inform C 122 accordingly; and
- .2 utilize the framework for the regulatory scoping exercise approved by MSC 100 (MSC 100/WP.8, annex).

19.10 Regarding the plan of work and procedures for the regulatory scoping exercise of the FAL Committee, the Committee agreed to complete the work at FAL 44 and not in two sessions, as was initially proposed, because only one instrument, the FAL Convention, was being reviewed. The Committee requested the Secretariat to prepare a document with a revised version of the plan of work and procedures for its consideration, and, having considered document FAL 43/WP.8, approved the Plan of work and procedures for the regulatory scoping exercise of the FAL Committee, as set out in annex 7. The delegation of Finland<sup>11</sup> offered to lead the initial review of specific instruments and invited interested IMO Members to collaborate.

19.11 The delegation of Argentina reiterated that the consideration of the use of unmanned vessels by this Committee or other bodies of the IMO did not prejudice the conformity of the use of such vessels with the relevant rules of international law.

## Interference with navigation in the Kerch Strait and the Sea of Azov

19.12 The Committee noted information provided in document FAL 43/19/4 (Ukraine) on the restricted sovereign rights in the Kerch Strait and the Sea of Azov, together with information provided in document FAL 43/19/5 (Russian Federation) in response to the submission by Ukraine.

19.13 The delegations of Romania (on behalf of the EU members) and the United States made statements supporting Ukraine, as also set out in annex 8. The delegations of Canada, Ireland and the EC observer associated themselves with the statements made by the delegations of Romania and the United States.

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19.14 In this regard, the Committee also noted a statement by the delegation of the Bahamas expressing its grave concern and asking the Secretariat and Member States to seek mediation to solve issues related to instruments of the Organization.

#### **Creation of a collaborative web-based workspace**

19.15 The Committee recalled that C 118, based on the discussions of FAL 41 regarding the creation of a collaborative web-based workspace in the Organization, had agreed to request the Secretary-General to inform C 120 on accessibility to the proposed Web-based Collaborative Workspace Platform (IMOSpace); cybersecurity; additional financial and administrative resources required; and availability of an alternative open-source web-based workspace.

19.16 The Committee noted that C 120 had noted that IMOSpace had been fully evaluated and was available and ready for use and encouraged the committees and sub-committees to use it for the work of any groups they might establish.

19.17 The Secretariat informed the Committee that a circular letter on IMOSpace would be released shortly to provide information to encourage its use in the Organization.

#### **Information on port and coastal State requirements related to privately contracted armed security personnel on board ships**

19.18 The Committee noted that the Secretariat had issued Circular Letter No.3366/Add.1 of 17 July 2014, reminding States of the need to submit the information contained in the annex to the *Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships* (MSC-FAL.1/Circ.2) to the Organization at their earliest convenience.

19.19 The Committee noted that the Organization had received only a limited number of responses, from 22 Member States and one Associate Member, eight of which bordered the Indian Ocean, Arabian Sea, Gulf of Aden or Red Sea, and requested Member States to complete the Questionnaire in MSC-FAL.1/Circ.2.

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

19.20 The Committee recalled that FAL 39 had approved an output to review the joint IMO/ICAO publication on international signs to provide guidance to persons at airports and marine terminals.

19.21 The Committee also recalled that FAL 40, having noted that the work on signs with respect to marine terminals was not safety-related and that such signs were already fit for purpose, had agreed:

- .1 that there was little for IMO to do other than to validate the work of ICAO in order that the outcome of their work could go forward as a joint publication; and
- .2 to place the item on the post-biennial agenda.

19.22 The Secretariat informed the Committee that ICAO's Air Transport Committee had decided in January 2019 not to revise or update the joint IMO/ICAO publication on international signs to provide guidance to persons at airports and marine terminals, because signs used in

international airports were much more extensive in terms of variety as well as number, and it would be an inefficient use of scarce resources to engage in work that was more effectively and more thoroughly accomplished by other organizations and entities. The Air Transport Committee agreed further to revise Recommended Practice 6.9 of annex 9 to the Convention on International Civil Aviation to include a reference to the joint publication to the extent it remained relevant and also to refer to other sources of "best practices" guidance material on wayfinding and signage.

19.23 In light of the information received from ICAO, the Committee agreed to delete the output "Review of the international signs to provide guidance to persons at marine terminals" from its post-biennial agenda.

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

19.24 The Committee noted that MSC 99 had considered a proposal by the Democratic People's Republic of Korea (MSC 99/21/6) to amend the *List of certificates and documents required to be carried on board ships, 2017* (FAL.2/Circ.131-MEPC.1/Circ.873-MSC.1/Circ.1586-LEG.2/Circ.3), with a view to avoiding the use of two different terms, "stability information" and "intact stability booklet", and had requested the Secretariat to issue a corrigendum to the List.

19.25 The Committee concurred with the action taken by MSC 99 to amend the *List of certificates and documents required to be carried on board ships, 2017* (FAL.2/Circ.131-MEPC.1/Circ.873-MSC.1/Circ.1586-LEG.2/Circ.3).

#### **Problems of ship suppliers when accessing port areas**

19.26 The observer from ISSA expressed their concerns that the application of the ISPS Code by Member States in ports, even though the role of the ship supplier was properly reflected in this Code, was still creating unwarranted delays, obstruction and unfair charges when they wished to enter ports to deliver stores to ships and requested Member States to take proper consideration of the application of the ISPS Code to facilitate the access of ship suppliers to port areas when serving the global fleet.

#### **Expressions of appreciation**

19.27 The Committee expressed its appreciation to delegates and members of the Secretariat who had recently relinquished their duties, retired, moved or been transferred to other duties, or were about to do so, for their contributions to its work and wished them a long and happy retirement or, as the case may be, every success in their new duties.

19.28 The Committee expressed, in particular, its appreciation to:

- .1 Mr. Moises de Gracia of Panama, the outgoing Vice-Chair, who had been an active member of the Permanent Representation of Panama to IMO for almost 12 years, for his contribution to the work of the Committee;
- .2 Mr. David Du Pont of the United States, a well-recognized and respected expert on the FAL Convention who actively participated in the FAL Committee for many years; and
- .3 Mr. Roger Butturini of the United States, for his lengthy invaluable contribution to the Committees' work, particularly in leading the discussions in the working groups related to electronic exchange of information.

## **20 ACTIONS REQUESTED OF OTHER IMO ORGANS**

20.1 The Assembly, at its thirty-first session, is invited to:

- .1 note the successful single window project implemented by Norway in Antigua and Barbuda with the assistance of the Secretariat and the offer of Norway to make the source code developed for the system established in Antigua and Barbuda available to other interested Member States (section 6);
- .2 note the invitation of the FAL Committee to other committees and sub-committees to approach the Committee for advice and assistance in preparing the reporting and information exchange requirements for their current and future mandatory instruments for electronic exchange (paragraph 6.25);
- .3 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version of the IMO Compendium (section 7);
- .4 note the appreciation of the Committee for WCO for its role as coordinator of the work for the technical maintenance of the IMO Compendium through its DMPT Focus Group on "IMO FAL Compendium Technical Maintenance" (section 7);
- .5 note that the future maintenance of the Compendium has moved from WCO to IMO and that costs would be absorbed under existing resources (section 7); and
- .6 note the decisions of the Committee on matters related to the regulatory scoping exercise for the use of maritime autonomous surface ships (paragraphs 19.7 to 19.11).

20.2 The Council, at its 122nd session, is invited to:

- .1 consider the report of the forty-third 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-first session of the Assembly;
- .2 note the decisions taken regarding measures for greater public access to information (paragraphs 2.3, 2.4 and 17.9);
- .3 note the following special events held during FAL 43:
  - .1 Women, Ports and Facilitation, held on 10 April 2019; and
  - .2 Seminar on making cross border trade simpler, held on 11 April 2019;
- .4 note the progress made by the Committee on the review of the annex to the FAL Convention (section 4);
- .5 note the approval of the Explanatory Manual to the FAL Convention (paragraph 5.6);

- .6 note the progress made by the Committee on the single window concept (section 6);
- .7 note the successful single window project implemented by Norway in Antigua and Barbuda with the assistance of the Secretariat and the offer of Norway to make the source code developed for the system established in Antigua and Barbuda available to other interested Member States (paragraphs 6.6 to 6.11);
- .8 note that document FAL 43/6, the inventory of administrative requirements in IMO mandatory instruments (C 108/INF.2) and the list of outputs of the committees contained relevant recommendations that could be taken into account for the facilitation of reporting and recordkeeping requirements originating in IMO instruments by leveraging electronic data exchange (paragraphs 6.23 and 6.24);
- .9 note the invitation of the FAL Committee to other committees and sub-committees to approach the Committee for advice and assistance in preparing the reporting and information exchange requirements for their current and future mandatory instruments for electronic exchange (paragraph 6.25);
- .10 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version of the IMO Compendium (section 7);
- .11 note the appreciation of the Committee for WCO for its role as coordinator of the work for the technical maintenance of the IMO Compendium through its DMPT Focus Group on "IMO FAL Compendium Technical Maintenance" (section 7);
- .12 note that the future maintenance of the Compendium has moved from WCO to IMO and that costs would be absorbed under existing resources (paragraph 7.11.1);
- .13 endorse the decision of the Committee to establish an IMO Expert Group on Data Harmonization which will meet intersessionally (paragraph 7.11.1) and note its terms of reference and timeline (paragraphs 7.19 and 7.20);
- .14 note the approval of the revised *Guidelines for setting up a maritime single window* (section 9);
- .15 endorse the decisions of the Committee to:
  - .1 convert the output on "Review and revision of the IMO Compendium on Facilitation and Electronic Business, including additional e-business solutions" to continuous (paragraph 7.11.4);
  - .2 include in its biennial agenda for 2020-2021 and the provisional agenda of FAL 44 a new output on "Guidance to address maritime corruption" (paragraph 17.1);

- .3 include in its biennial agenda for 2020-2021 and the provisional agenda of FAL 44 the following outputs:
    - .1 consideration of descriptions of Maritime Services in the context of e-navigation<sup>12</sup> (output 2.11) (paragraph 7.21); and
    - .2 regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS) (output 2.7) (paragraph 19.9.1);
  - .16 note the status report of the outputs for the 2018-2019 biennium and the list of outputs of the Committee for the 2020-2021 biennium (paragraphs 17.5 and 17.6 and annexes 3 and 4, respectively);
  - .17 note the post-biennial agenda of the Committee (paragraph 17.7 and annex 5);
  - .18 endorse the intersessional meetings approved by the Committee for 2019 and 2020 (paragraph 17.8); and
  - .19 note the decisions of the Committee on matters related to the regulatory scoping exercise for the use of maritime autonomous surface ships (paragraphs 19.7 to 19.11).
- 20.3 The Maritime Safety Committee, at its 101st session, is invited to note the report of the Committee and, in particular, to:
- .1 note that document FAL 43/6, the inventory of administrative requirements in IMO mandatory instruments (C 108/INF.2) and the list of outputs of the committees contain relevant recommendations that could be taken into account for the facilitation of reporting and recordkeeping requirements originating in IMO instruments by leveraging electronic data exchange (paragraphs 6.23 and 6.24);
  - .2 note the invitation of the FAL Committee to other committees and sub-committees to approach the Committee for advice and assistance in preparing the reporting and information exchange requirements for their current and future mandatory instruments for electronic exchange (paragraph 6.25);
  - .3 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version of the IMO Compendium (section 7);
  - .4 note the decision of the Committee to include in its biennial agenda and the provisional agenda for FAL 44 an output on "Consideration of descriptions of Maritime Services in the context of e-navigation" and to establish a correspondence group to review the descriptions of Maritime Services related to the FAL Committee (paragraphs 7.21 and 7.23);

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<sup>12</sup> NCSR 6, upon completing the work on this output, has recommended MSC 101 to approve the revised description.

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- .5 instruct NCSR 7 to report to FAL 44 on the outcome of its work on the output 2.11 (paragraph 7.22);
  - .6 note the progress of the work related to the *Guidelines for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window* (section 8);
  - .7 note the outcome of the Committee's consideration in regard to unsafe mixed migration at sea (section 10);
  - .8 note the outcome of the consideration and analysis of reports and information on stowaways (section 13);
  - .9 note the outcome of the consideration and analysis of reports and information on persons rescued at sea (section 13);
  - .10 note the outcome of the Committee's consideration on training material for the safe and efficient transport of radioactive materials (paragraphs 19.5 and 19.6);
  - .11 note the decisions on matters related to the regulatory scoping exercise for the use of maritime autonomous surface ships (paragraphs 19.7 to 19.11);
  - .12 note that Member States have been invited to complete the *Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships* (MSC-FAL.1/Circ.2) (paragraph 19.19);
  - .13 note the concurrent approval of the draft amendments to the *List of certificates and documents required to be carried on board ships, 2017* (FAL.2/Circ.131-MEPC.1/Circ.873-MSA.1/Circ.1586-LEG.2/Circ.3) (paragraph 19.25); and
  - .14 note the statement of the observer from ISSA related to the problem of ship suppliers when accessing port areas, and its request to Member States to take proper consideration of the application of the ISPS Code to facilitate the access of ship suppliers to port areas when serving the global fleet (paragraph 19.26).
- 20.4 The Marine Environment Protection Committee, at its seventy-fourth session, is invited to note the report of the Committee and, in particular, to:
- .1 note that document FAL 43/6, the inventory of administrative requirements in IMO mandatory instruments (C 108/INF.2) and the list of outputs of the committees contain relevant recommendations that could be taken into account for the facilitation of reporting and recordkeeping requirements originating in IMO instruments by leveraging electronic data exchange (paragraphs 6.23 and 6.24);
  - .2 note the invitation of the FAL Committee to other committees and sub-committees to approach the Committee for advice and assistance in preparing the reporting and information exchange requirements for their current and future mandatory instruments for electronic exchange (paragraph 6.25);

- .3 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version of the IMO Compendium (section 7);
- .4 note the progress of the work related to the *Guidelines for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window* (section 8);
- .5 note the decisions on matters related to the regulatory scoping exercise for the use of maritime autonomous surface ships (paragraphs 19.7 to 19.11); and
- .6 note the concurrent approval of the draft amendments to the *List of certificates and documents required to be carried on board ships, 2017* (FAL.2/Circ.131-MEPC.1/Circ.873-MSA.1/Circ.1586-LEG.2/Circ.3) (paragraph 19.25).

20.5 The Technical Cooperation Committee, at its sixty-ninth session, is invited to note the report of the Committee and, in particular, to:

- .1 note the progress on the discussions related to the single window concept (section 6);
- .2 note the successful single window project implemented by Norway in Antigua and Barbuda with the assistance of the Secretariat and the offer of Norway to make the source code developed for the system established in Antigua and Barbuda available to other interested Member States (paragraphs 6.6 to 6.11).
- .3 note that the Committee recognized that the efforts made by the Secretariat, with the cooperation of the P&I Clubs and some Member States and international organizations, to organize the seminars on stowaways had a positive impact on the reduction of stowaway incidents (paragraph 13.7);
- .4 consider the selected thematic priorities for ITCP for the 2020-2021 biennium (paragraph 14.8 and annex 2); and
- .5 note the decision of the Committee to include in its 2020-2021 biennial agenda and the provisional agenda for FAL 44 a new output on "Guidance to address maritime corruption", with a target completion year of 2021, bearing in mind that the capacity-building on this subject could contribute to the achievement of Sustainable Development Goal 16, target 5 "Substantially reduce corruption and bribery in all their forms" (paragraphs 17.1 and 17.2).

20.6 The Legal Committee, at its 107th session, is invited to note the report of the Committee and, in particular, to:

- .1 note that document FAL 43/6, the inventory of administrative requirements in IMO mandatory instruments (C 108/INF.2) and the list of outputs of the committees, contains relevant recommendations that could be taken into account for the facilitation of the reporting and recordkeeping requirements originating in IMO instruments by leveraging electronic data exchange (paragraphs 6.23 and 6.24);



- .2 note the invitation of the FAL Committee to other committees and sub-committees to approach the Committee for advice and assistance in preparing the reporting and information exchange requirements for their current and future mandatory instruments for electronic exchange (paragraph 6.25);
- .3 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version of the IMO Compendium (section 7);
- .4 note the decision of the Committee to include in its 2020-2021 biennial agenda and the provisional agenda for FAL 44 a new output on "Guidance to address maritime corruption", with a target completion year of 2021 (paragraph 17.1);
- .5 note the discussions on maritime corruption and the invitation to the Legal Affairs and External Relations Division of the Secretariat to inform FAL 44 on the potential legal exposure, if any, pertaining to the dissemination of potential cases of corruption to parties concerned (paragraph 19.4);
- .6 note the decisions on matters related to the regulatory scoping exercise for the use of maritime autonomous surface ships (paragraphs 19.7 to 19.11); and
- .7 note the concurrent approval of the draft amendments to the *List of certificates and documents required to be carried on board ships, 2017* (FAL.2/Circ.131-MEPC.1/Circ.873-MSA.1/Circ.1586-LEG.2/Circ.3) (paragraph 19.25).

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**ANNEX 1**

**PRIORITY LIST OF DATA ELEMENTS  
BASED ON DOCUMENTS FAL 43/7/3 AND FAL 43/INF.3**

Criteria used:

- CC Directly connected to the Convention
- RR Originating from a reporting requirement of the Organization
- PCL Related to information submitted for port clearance
- ACH Achievable by FAL 44 and FAL 45
- PCA Information required for port call [arrival, stay and departure]

Data set	Description	Priority	Criteria met
Maritime Declaration of Health	Add missing data elements to the list	1	CC, PCL, ACH, PCA
E-navigation information (e.g. International Hydrographic Organization (IHO) S-100 data and International Association of Lighthouse Authorities (IALA) defined AtoN and VTS related data sets)	-	1	RR, PCL, ACH, PCA
Stowaways (e.g. according to the FAL Convention, Standard 4.7.1)	-	1	CC, RR, PCL, ACH, PCA
Acknowledgement receipt(s)	-	1	CC, RR, PCL, ACH, PCA
Port logistic operational data related to just in time concept	-	1	PCL, PCA
Information on specific shipping conditions	-	2	PCL, ACH, PCA
Port logistic operational data and real time data (e.g. International Harbour Masters' Association (IHMA) "Functional definitions for nautical port information")	-	2	PCL, PCA
Ship certificates (according to FAL.2/Circ.131)	-	2	CC, RR, ACH, PCA
IMO safety information (e.g. ship particulars)	-	2	CC, RR, ACH, PCA
IMO environmental information (e.g. waste delivery, information on bunker, ballast water and emissions)	-	2	CC, RR, PCA
Added cargo details on dangerous goods	-	2	PCL, PCA
Maritime Safety Information	-	3	PCL, ACH, PCA
Added cargo details at consignment level	-	3	PCL, PCA

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## ANNEX 2

### THEMATIC PRIORITIES FOR THE FACILITATION OF INTERNATIONAL MARITIME TRAFFIC FOR INCLUSION IN ITCP FOR THE 2020-2021 BIENNIUM

- 1 Enhancing the facilitation of international maritime traffic within the context of trade facilitation, in line with the Organization's Strategic Plan.
- 2 Fostering the wider acceptance of the FAL Convention and its effective and efficient implementation for the facilitation of international maritime traffic.
- 3 Contributing to capacity-building in Member States in respect of the responsibilities and quality standards relating to the FAL Convention.
- 4 Supporting Member States to establish systems for the electronic exchange of information to comply with Standard 1.3*bis* of the FAL Convention.
- 5 Supporting the training of personnel involved in ship/port interface activities with the aim of raising awareness and understanding of their responsibilities and improving communication and cooperation between all parties involved at the ship/port interface, in respect of the facilitation of international maritime traffic, including inter-modal access to ports.
- 6 Assisting Member States in addressing the severe problems caused for international maritime traffic by stowaways, migrants and refugees rescued at sea.
- 7 Promoting the early ratification and effective implementation of IMO instruments while also addressing the special needs of least developed countries (LDCs) and small island developing States (SIDS) and, in particular, the maritime transport needs of Africa.

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**ANNEX 3**

**BIENNIAL STATUS REPORT OF THE FACILITATION COMMITTEE**

Facilitation Committee (FAL)									
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ	Status of output for Year 1	Status of output for Year 2	References
1. Improve implementation	1.2	Input on identifying emerging needs of developing countries, in particular SIDS and LDCs, to be included in ITCP	Continuous	TCC	MSC/MEPC/FAL/LEG		Ongoing	Ongoing	
1. Improve implementation	1.7	Identify thematic priorities within the area of maritime safety and security, marine environmental protection, facilitation of maritime traffic and maritime legislation	Annual	TCC	MSC/MEPC/FAL/LEG		Postponed	Completed	FAL 43/20, paragraph 14.8 and annex 2
4. Engage in ocean governance	4.2	Input to ITCP on emerging issues relating to sustainable development and achievement of the SDGs	2019	TCC	MSC/MEPC/FAL/LEG		In progress	In progress	

Facilitation Committee (FAL)									
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ	Status of output for Year 1	Status of output for Year 2	References
5. Enhance global facilitation and security of international trade	5.1	Application of single window concept	Continuous	FAL			Ongoing	Ongoing	FAL 39/16, paragraph 13.4.1
5. Enhance global facilitation and security of international trade	5.6	Guidelines for setting up a maritime single window	2019	FAL			In progress	Completed	FAL 41/17, paragraph 14.4; FAL 43/20, paragraph 9.6
5. Enhance global facilitation and security of international trade	5.7	Review and update the Explanatory Manual to the FAL Convention	2019	FAL			In progress	Completed	FAL 37/17, paragraph 4.6; FAL 4/20, paragraph 5.6
5. Enhance global facilitation and security of international trade	5.8	Review and revision of the IMO Compendium on Facilitation and Electronic Business, including additional e-business solutions	Continuous	FAL			In progress	In progress	FAL 41/17, paragraph 14.1. FAL 43/20, section 7
Note: FAL 43 agreed to convert the output 5.8 to continuous (paragraph 7.11.4).									



Facilitation Committee (FAL)									
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ	Status of output for Year 1	Status of output for Year 2	References
5. Enhance global facilitation and security of international trade	5.9	Developing guidance for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window	2021	FAL			In progress	In progress	FAL 41/17, paragraph 14.3; FAL 43/20, section 8
5. Enhance global facilitation and security of international trade	5.10	Review and update the annex of the FAL Convention	2021	FAL				In progress	FAL 42/17, paragraph 14.1; FAL 43/20, section 4
5. Enhance global facilitation and security of international trade	5.11	Development of amendments to the Recommendations on the establishment of National Facilitation Committees (FAL.5/Circ.2)	2020	FAL				In progress	FAL 42/17, paragraph 14.6; FAL 43/20, section 11
5. Enhance global facilitation and security of international trade	5.12	Development of guidelines on creating a tool to measure domestic implementation of the FAL Convention	2020	FAL				In progress	FAL 42/17, paragraph 14.8; FAL 43/20, section 12

Facilitation Committee (FAL)									
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ	Status of output for Year 1	Status of output for Year 2	References
6. Ensure regulatory effectiveness	6.6	Consideration and analysis of reports and information on persons rescued at sea and stowaways	Annual	MSC/FAL			Completed	Completed	
7. Ensure organizational effectiveness	7.1	Endorsed proposals for the development, maintenance and enhancement of information systems and related guidance (GISIS, websites, etc.)	Continuous	Council	MSC/MEPC/FAL/LEG/TCC		Ongoing	Ongoing	
7. Ensure organizational effectiveness	7.9	Revised documents on organization and method of work, as appropriate	2019	Council	MSC/MEPC/FAL/LEG/TCC		In progress	In progress	
OW. Other work	OW 13	Endorsed proposals for new outputs for the 2018-2019 biennium as accepted by the Committees	Annual	Council	MSC/MEPC/FAL/LEG/TCC		Completed	Completed	
OW. Other work	OW 23	Cooperate with the United Nations on matters of mutual interest, as well as provide relevant input/guidance	2019	Assembly	MSC/MEPC/FAL/LEG/TCC	Council	In progress	In progress	C 120/D, paragraphs 17(a).1 to 17(a).5

Facilitation Committee (FAL)									
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ	Status of output for Year 1	Status of output for Year 2	References
OW. Other work	OW 24	Cooperate with other international bodies on matters of mutual interest, as well as provide relevant input/guidance	2019	Assembly	MSC/MEPC/FAL/LEG/TCC	Council	In progress	In progress	C 120/D, paragraphs 17(a).1 to 17(a).5
OW. Other work	OW 44	IMO's contribution to addressing unsafe mixed migration by sea	2021	MSC/FAL/LEG			In progress	In progress	FAL 41/17, paragraph 7.15; MSC 98/23, paragraph 16.14; FAL 43/20, section 10

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**ANNEX 4**

**LIST OF OUTPUTS OF THE FAL COMMITTEE FOR THE 2020-2021 BIENNIUM**

FACILITATION COMMITTEE						
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)
1. Improve implementation	1.2	Input on identifying emerging needs of developing countries, in particular SIDS and LDCs, to be included in ITCP	Continuous	TCC	MSC/MEPC/FAL/LEG	
1. Improve implementation	1.7	Identify thematic priorities within the area of maritime safety and security, marine environmental protection, facilitation of maritime traffic and maritime legislation	Annual	TCC	MSC/MEPC/FAL/LEG	
2. Integrate new and advancing technologies in the regulatory framework	2.7	Regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS)	2020	MSC	LEG/FAL	
2. Integrate new and advancing technologies in the regulatory framework	2.11	Consideration of descriptions of Maritime Services in the context of e-navigation <sup>1</sup>	2021	MSC	FAL/NCSR	

<sup>1</sup> NCSR 6, upon completing the work on this output, has recommended MSC 101 to approve the revised description.

FACILITATION COMMITTEE						
Reference to SD, applicable	Output if number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)
4. Engage in ocean governance	4.2	Input to the ITCP on emerging issues relating to sustainable development and achievement of the SDGs	2021	TCC	MSC/MEPC/FAL/LEG	
5. Enhance global facilitation and security of international trade	5.1	Application of single window concept	Continuous	FAL		
5. Enhance global facilitation and security of international trade	5.8	Review and revision of the IMO Compendium on Facilitation and Electronic Business, including additional e-business solutions	Continuous	FAL		
5. Enhance global facilitation and security of international trade	5.9	Developing guidance for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window	2021	FAL		
5. Enhance global facilitation and security of international trade	5.10	Review and update the annex of the FAL Convention	2021	FAL		

FACILITATION COMMITTEE						
Reference to SD, applicable	Output if number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)
5. Enhance global facilitation and security of international trade	5.11	Development of amendments to the Recommendations on the establishment of National Facilitation Committees (FAL.5/Circ.2)	2020	FAL		
5. Enhance global facilitation and security of international trade	5.12	Development of guidelines on creating a tool to measure domestic implementation of the FAL Convention	2020	FAL		
5. Enhance global facilitation and security of international trade	[..]* NEW	Guidance to address maritime corruption	2021	FAL		
6. Ensure regulatory effectiveness	6.6	Consideration and analysis of reports and information on persons rescued at sea and stowaways	Annual	MSC/FAL		
7. Ensure organizational effectiveness	7.1	Endorsed proposals for the development, maintenance and enhancement of information systems and related guidance (GISIS, websites, etc.)	Continuous	Council	MSC/MEPC/FAL/LEG/TCC	
7. Ensure organizational effectiveness	7.9	Revised documents on organization and method of work, as appropriate	2021	Council	MSC/MEPC/FAL/LEG/TCC	

\* Output number to be decided by the Council in due course.

FACILITATION COMMITTEE						
Reference to SD, applicable	Output if number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)
OW. Other work	OW 13	Endorsed proposals for new outputs for the 2018-2019 biennium as accepted by the Committees	Annual	Council	MSC/MEPC/FAL/LEG/TCC	
OW. Other work	OW 23	Cooperate with the United Nations on matters of mutual interest, as well as provide relevant input/guidance	2021	Assembly	MSC/MEPC/FAL/LEG/TCC	Council
OW. Other work	OW 24	Cooperate with other international bodies on matters of mutual interest, as well as provide relevant input/guidance	2021	Assembly	MSC/MEPC/FAL/LEG/TCC	Council
OW. Other work	OW 44	IMO's contribution to addressing unsafe mixed migration by sea	2021	MSC/FAL/LEG		

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**ANNEX 5**

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

Facilitation Committee (FAL)								
Number	Biennium (when the output was placed on the post-biennial agenda)	Reference to strategic direction, if applicable	Description	Parent organ(s)	Associated organs(s)	Coordinating organ(s)	Timescale (sessions)	References
165	2018-2019	5	Review and update the Explanatory Manual to the FAL Convention	FAL			2	FAL 43/20, paragraph 5.7

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## ANNEX 6

### LIST OF SUBSTANTIVE ITEMS FOR INCLUSION IN THE PROVISIONAL AGENDA FOR THE FORTY-FOURTH SESSION OF THE COMMITTEE

Opening of the session

Decisions of other IMO bodies

Consideration and adoption of proposed amendments to the Convention

Review and update the annex of the FAL Convention

Application of single window concept

Review and revision of the IMO Compendium on Facilitation and Electronic Business, including additional e-business solutions

Developing guidance for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window

Consideration of descriptions of Maritime Services in the context of e-navigation\*

Development of amendments to the *Recommendations on the establishment of National Facilitation Committees* (FAL.5/Circ.2)

Development of guidelines on creating a tool to measure domestic implementation of the FAL Convention

Unsafe mixed migration by sea

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

Guidance to address maritime corruption

Regulatory scoping exercise for the use of Maritime Autonomous Surface Ships (MASS)

Technical cooperation activities related to facilitation of maritime traffic

Relations with other organizations

Application of the Committee's procedures on organization and method of work

Work programme

Election of Chair and Vice-Chair for 2021

Any other business

Consideration of the report of the Committee on its forty-fourth session

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\* NCSR 6, upon completing the work on this output, has recommended MSC 101 to approve the revised description.



## ANNEX 7

### PLAN OF WORK AND PROCEDURES FOR THE REGULATORY SCOPING EXERCISE OF THE FAL COMMITTEE

#### 1 General

1.1 This note provides draft procedures for the regulatory scoping exercise on Maritime Autonomous Surface Ships (MASS).

1.2 The regulatory scoping exercise should be conducted taking into account the agreed framework and methodology and any relevant decisions of the Facilitation Committee.

#### 2 Web platform for the conduct of the regulatory scoping exercise

2.1 The web platform to be developed by the Secretariat as part of GISIS to facilitate the regulatory scoping exercise will be connected to the IMO web accounts, providing access only to registered IMO Members.\* All IMO Members will have read-only access to the web platform.

2.2 The web platform will make a clear distinction between the first and the second step of the agreed methodology.

2.3 The information contained in the web platform will be retained for future references until the Committee decides otherwise.

#### 3 First step

##### 3.1 Initial review of the FAL Convention

3.1.1 The initial review should be conducted by volunteering Member States, either individually or as a group. In case of a group, only one Member State will be provided with access to upload and edit the information.

3.1.2 The initial review involves only the first step of the agreed methodology.

3.1.3 Only users authorized by the Member State conducting the initial review will be allowed to upload and edit the information.

3.1.4 If necessary, the Secretariat will assist with the pre-population of the number and titles of Standard/Recommended Practice on the web platform.

3.1.5 Upon completion of the initial review, the web platform will be locked for editing.

##### 3.2 Commenting stage

3.2.1 Once the initial review is completed, IMO Members will be authorized to submit comments through the web platform.

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\* Whenever the term "IMO Member" is used in this document, it includes Member Governments, associated Member Governments, intergovernmental organizations with observer status and non-governmental organizations in consultative status.

3.2.2 Comments could be submitted either on specific Standard/Recommended Practices or as general comments on the instrument under review (e.g. in case of gaps in the instrument).

3.2.3 As part of the commenting stage, the web platform will provide an option to indicate whether the IMO Member agrees or disagrees with the initial review. If the option "disagree" is chosen, then an explanatory comment should be provided specifying the alternative MASS application.

3.2.4 Each IMO Member will only be able to submit one comment per Standard/Recommended Practice and degree of autonomy under consideration and one general comment on the instrument under consideration. In order to facilitate the subsequent consideration, comments on specific Standard/Recommended Practice and general comments on the FAL Convention will be limited to a specific number of characters.

3.2.5 After an agreed period, the web platform will be locked for comments.

### **3.3 Consideration of comments**

3.3.1 The volunteering Member State(s) that conducted the initial review should consider all comments received and modify the initial review, as appropriate.

3.3.2 In order to facilitate the consideration of comments, the web platform will provide statistics of the number of IMO Members that had agreed or disagreed with the initial review.

3.3.3 Upon completion of the first step, the information related to step one will be closed for editing or modification.

## **4 Second step**

### **4.1 Analysis of the most appropriate way of addressing MASS operations**

4.1.1 The initial analysis should be conducted, preferably by the volunteering Member State(s) that conducted the initial review.

4.1.2 The initial analysis involves the second step of the agreed methodology.

4.1.3 Only users authorized by the Member State conducting the initial analysis will be allowed to upload and edit the information related to the second step.

4.1.4 Upon completion of the initial analysis, the web platform will be locked for editing.

4.1.5 The initial analysis should be high level and should not be conducted Standard by Standard or Recommended Practice by Recommended Practice.

### **4.2 Commenting stage**

4.2.1 Once the initial analysis is completed, IMO Members will be authorized to submit comments through the web platform.

4.2.2 As part of the commenting stage, the web platform will provide an option to indicate whether the IMO Member agrees or disagrees with the initial analysis. If the option "disagree" is chosen, then an explanatory comment should be provided, specifying the most appropriate way of addressing MASS operations.

4.2.3 Each IMO Member will only be able to submit one comment per analysis.

4.2.4 After an agreed period, the web platform will be locked for comments.

#### **4.3 Consideration of comments and presentation of results**

4.3.1 The volunteering Member State(s) that conducted the initial analysis should consider all comments received and modify the initial analysis, as appropriate.

4.3.2 In order to facilitate the consideration of comments, the web platform will provide statistics of the number of IMO Members that had agreed or disagreed with the initial analysis.

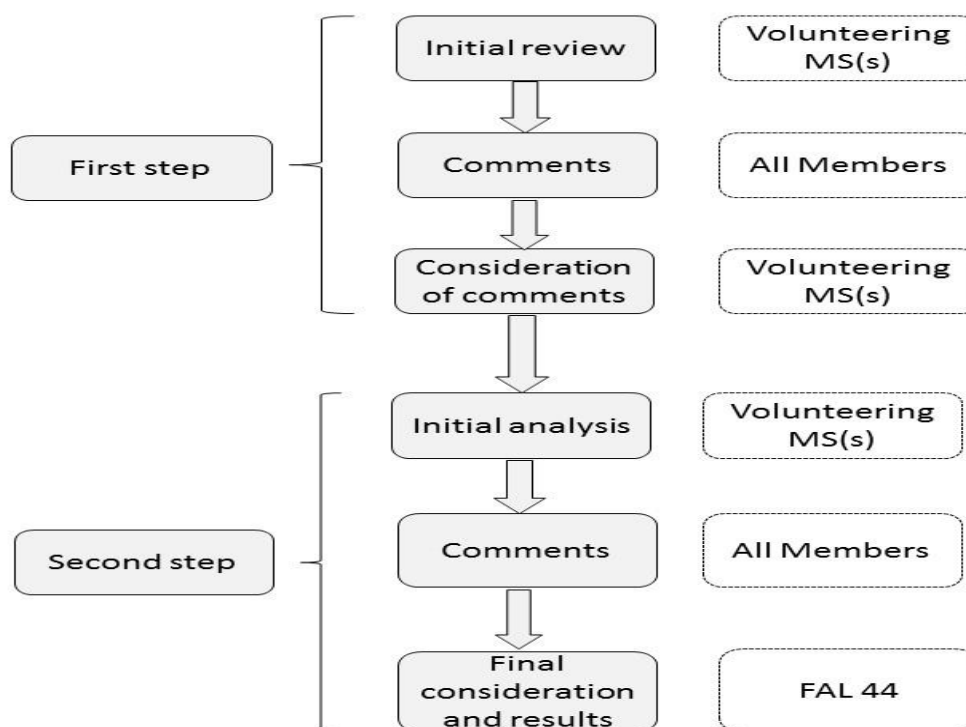
4.3.3 The volunteering Member State(s) should also prepare a summary determining the most appropriate way of addressing MASS operations specific to degrees of autonomy.

4.3.4 The above summary should be submitted by the volunteering Member State(s) for the Committee's consideration.

#### **4.4 Final consideration**

4.4.1 The Committee should consider the results of the first and second steps taking into account any relevant information, as appropriate.

### Process for the regulatory scoping exercise



### Timeline for the regulatory scoping exercise

Action	Deadline	Who?
Upload of the initial review of the FAL Convention	1 August 2019	Volunteering Member State(s)
Commenting stage related to the initial review	August-September 2019 (two months)	All IMO Members
Consideration of comments	October 2019 (one month)	Volunteering Member State(s)
Analysis of the most appropriate way of addressing MASS operations (second step)	November 2019 (one month)	Volunteering Member State(s)
Commenting stage related to the initial analysis	December 2020 (one month)	All IMO Members
Consideration of comments and presentation of results	January 2020 (one month)	Volunteering Member State(s)
Final consideration and results	April 2020	FAL 44

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## ANNEX 8

### STATEMENTS BY DELEGATIONS\*

#### AGENDA ITEM 19

##### Statement by the delegation of Romania (on behalf of the EU)

"Madam Chair, distinguished delegates,

Five years on from the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, the European Union remains steadfast in its commitment to Ukraine's sovereignty and territorial integrity.

The European Union reiterates that it does not recognise and continues to condemn this violation of international law. It remains a direct challenge to international security, with grave implications for the international legal order that protects the unity and sovereignty of all states.

Moreover, the European Union condemns the new lengthy Russian inspection regime for cargo vessels coming from Ukraine's ports in the Azov Sea or heading towards them and the hindrance to shipping that Russia's construction of the Kerch Bridge between the Crimean Peninsula and the Russian Federation has caused.

Russia's violations of international law have led to a dangerous increase in tensions at the Kerch Strait and the Sea of Azov. The unjustified use of force by Russia against Ukraine on 25 November 2018 is a reminder of the negative effects of the illegal annexation of the Crimean peninsula on regional stability.

The EU reiterates its call on Russia to release the illegally captured Ukrainian crew members, vessels and equipment unconditionally and without further delay. Pending their release, Russia should respect their rights to legal representation and access by consular authorities, and to provide the injured crewmen with appropriate medical treatment.

The European Union condemns the construction of the Kerch Bridge without Ukraine's consent which constitutes a further violation of Ukraine's sovereignty and territorial integrity. The EU expects Russia to ensure unhindered and free transit passage of all ships through the Kerch Strait to and from the Azov Sea, in accordance with international law. The illegal restrictions to such passage have negative economic consequences for Ukraine's ports in the Azov Sea and the whole region.

The European Union remains committed to fully implementing its non-recognition policy, including through restrictive measures. The EU calls again on United Nations member States to consider similar non-recognition measures in line with the United Nations General Assembly Resolution 68/262.

I would ask for this statement to be included in the report of the Committee.

Thank you, Chair".

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\* Statements have been included in this annex in the order in which they are listed in the report, sorted by agenda items, and in the language of submission (including translation into any other language if such translation was provided).

**Statement by the delegation of the United States**

"Madam Chair, distinguished delegates,

The United States thanks the distinguished delegation of Ukraine for its paper FAL 43/19/4, and we note the concerns it raises regarding Russia's unlawful actions in and around occupied Crimea, including the maritime areas adjacent to Crimea.

Russia's occupation of Crimea remains an unprecedented challenge to European and Trans-Atlantic security, necessitating deeper and increased security cooperation. Russia's actions have considerable implications for the safety and security of navigation in the sea areas in and around Crimea, protection of the marine environment, and the safety of seafarers. As we previously stated, Russia's unjustified attack on Ukrainian naval vessels on November 25, 2018 represents a dangerous escalation. We reiterate our condemnation of Russia's unlawful efforts to impede access to the Kerch Strait and Sea of Azov, as well as our earlier call on Russia to immediately return Ukraine's naval vessels and personnel and to respect Ukraine's sovereignty and territorial integrity within its internationally recognized borders, extending to its territorial waters.

The United States joins the international community again to reaffirm that Crimea is part of Ukraine. The United States continues to condemn Russia's occupation of Crimea. The United States does not – and will never – recognize Russia's purported annexation of Crimea. The United States remains committed to upholding the sovereignty and territorial integrity of Ukraine within its internationally recognized borders."

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