

FACILITATION COMMITTEE
45th session
Agenda item 22

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

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The forty-fifth session of the Facilitation Committee was held remotely from 1 to 7 June 2021, chaired by Ms. Marina Angsell (Sweden).

1.2 The session was attended by Member States and Associate Members; representatives from specialized agencies; observers from intergovernmental organizations with agreements of cooperation; and observers from non-governmental organizations in consultative status, as listed in document FAL 45/INF.1.

Opening address of the Secretary-General

1.3 The Secretary-General welcomed participants and delivered his opening address, the full text of which can be downloaded from the IMO website at the following link: <https://www.imo.org/en/MediaCentre/SecretaryGeneral/Pages/Secretary-GeneralsSpeechesToMeetings.aspx>

Chair's remarks

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

Measures taken to facilitate the remote session

1.5 The Committee recalled that at the joint extraordinary session of all IMO Committees (ALCOM/ES), held in September 2020, the Committees had jointly approved *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (MSC-LEG-MEPC-TCC-FAL.1/Circ.1), and had agreed in particular to:

- .1 waive rule 3 of their respective Rules of Procedure, in part, to allow sessions to be held remotely;
- .2 accept, for the purpose of facilitating remote sessions, electronically submitted credentials, with originals to follow; and
- .3 consider Members that had submitted valid credentials, were registered in OMRS and were listed as participants in the remote session, as "present" within rule 28(1) of its Rules of Procedure.

Adoption of the agenda

1.6 The Committee, taking into account the limited time available at this session, agreed to postpone the consideration of agenda items 3, 8, 10, 12, 13, 15, 16, 17 and 18, and the respective documents submitted under those items, to FAL 46.

1.7 The Committee, having noted the decision to postpone agenda item 15 (Regulatory scoping exercise for the use of maritime autonomous surface ships (MASS)) approved the intersessional Working Group on Maritime Autonomous Surface Ships to complete the regulatory scoping exercise on the FAL Convention intersessionally to be held from 12 to 14 October 2021, with the following terms of reference:

The Intersessional Working Group on Maritime Autonomous Surface Ships (MASS) is instructed, taking into account document FAL 44/14 and documents received, to:

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- .1 consider the results of the second step of the regulatory scoping exercise (RSE), reported in document FAL 44/14;
 - .2 prepare the outcome of the RSE, which should contain as a minimum:
 - .1 information for all degrees of autonomy for every section of the FAL Convention expected to be affected by MASS operations;
 - .2 the most appropriate way(s) of addressing MASS operations in the FAL Convention;
 - .3 identification of themes and/or potential gaps, within the FAL Convention, that require addressing;
 - .4 identification of gaps and themes that are common with those of other relevant IMO instruments for which the RSE has been finalized (e.g. MSC 103/WP.8; LEG 108, if finalized); and
 - .5 identification of priorities for further work taking into account the work undertaken by other committees; and
 - .3 submit a written report to FAL 46; and

agreed also to submit this as an urgent matter to C 125 for endorsement.

1.8 The Committee adopted the provisional agenda (FAL 45/1) and agreed to be guided in its work by the annotated agenda (FAL 45/1/1).

Credentials

1.9 The Committee noted that the credentials of 90 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 document FAL 45/2 (Secretariat), in relation to the outcome of the work of LEG 107, MSC 102, MEPC 75, TC 70, C 124 and C/ES.33 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 recalled the decisions of FAL 43 concerning measures to allow greater public access to information at IMO (FAL 43/20, paragraph 2.3).

2.3 In this regard, the Committee recalled the decision of FAL 44 that all Secretariat documents for that session would be made publicly available prior to the meeting, and agreed to revisit the matter when considering the items to be included in the agenda for FAL 46 (see paragraph 19.11).

3 CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE CONVENTION

3.1 The Committee postponed consideration of this agenda item to FAL 46.

4 REVIEW AND UPDATE OF THE ANNEX OF THE FAL CONVENTION

4.1 The Committee recalled that FAL 42 had approved a new output on "Review and update of the annex of 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 44, taking into account the time limitations of the remote session, had agreed not to establish a working group on facilitation instruments, and to postpone the approval of amendments to the annex of the FAL Convention to FAL 45.

4.3 The Committee further recalled that FAL 44:

- .1 had agreed to delete all the lists of data provided for each of the FAL declarations and replace those lists in Standard 2.10.5 with a single reference to a table that would sum up all the data required in the various declarations. The new list would be included as appendix 1 of the annex of the FAL Convention, and the existing appendices would be renumbered accordingly;
- .2 had agreed to merge, in a single Standard, the existing Standards related to the authentication requirements for each of the declarations in the annex of the FAL Convention (new Standard 1.8.2);
- .3 in respect of the use of FAL Form 2 and the possibility of deleting it from the FAL Convention, had approved the questionnaire on the use of the document Cargo Declaration, and invited Member States to complete it and submit it not later than 15 December 2020;
- .4 had agreed to instruct the Correspondence Group on the Review and Update of the annex of the FAL Convention, if re-established, to:
 - .1 further consider the proposal to amend section 4, based on the outcome and recommendations of the seminars organized by IMO in Africa in 2014 and 2018 to reduce the number of incidents involving stowaways; and
 - .2 consider possible amendments to the annex of the FAL Convention to ensure the facilitation of maritime traffic during a public health emergency of international concern.

4.4 The Committee also recalled that FAL 44 had re-established the Correspondence Group on the Review and Update of the Annex of the FAL Convention under the coordination of France, and had extended the target completion year for this output to 2023.

Consideration of the report of the Correspondence Group

4.5 The Committee noted with appreciation the work of the Correspondence Group (FAL 45/4), and gave special recognition to the work by its coordinator, Mr. Fabien Joret (France).

4.6 Having considered the issues raised by the Correspondence Group in paragraphs 11, 20 and 25 of its report (FAL 45/4) that had not been resolved by the Correspondence Group, the Committee took the following actions:

Cargo Declaration

4.7 When considering the alternatives proposed by the Correspondence Group on the Cargo Declaration and whether or not the annex of the FAL Convention should include both FAL Form 2 (the "Cargo Declaration" referred to in Standard 2.3) and the "ship's manifest" (referred to in Standard 2.3.4), the following views were expressed:

- .1 merging both documents would facilitate the transmission of information to a single window, but further work would be needed to develop the list of information to be included in the message;
- .2 retaining two separate cargo declarations with similar information in the FAL Convention would defeat the purpose of simplifying and reducing formalities, documentary requirements and procedures;
- .3 FAL Form 2 should be kept as it was still used by Member States, for example by port authorities to calculate port fees;
- .4 the delegation of WCO offered its cooperation to develop a comprehensive and harmonized data set for cargo reports that may cater to the requirements of customs and maritime authorities in the context of Customs – Maritime Single Window, as such kind of work could bring an advantage for economic operators;

4.8 A slight majority of the delegations were in favour of merging FAL Form 2 and the ship's manifest into one declaration. However, the Committee, having recognized the difficulty of completing the work on the Cargo Declaration and the need to further analyse the feasibility and effect of merging FAL Form 2 and the ship's manifest, agreed not to include any amendments related to the cargo declarations in the set of amendments to be approved at this session, and instructed the Working Group on Facilitation Instruments to:

- .1 prepare a work plan for developing the relevant amendments regarding the Cargo Declaration; and
- .2 consider the necessity to re-establish the Correspondence Group to consider the issue of the Cargo Declaration further and prepare draft terms of reference, if deemed appropriate.

Definition of passenger

4.9 The Committee considered the proposal to include a definition of passenger in the annex of the FAL Convention and, having noted the diverging views expressed by the delegations, similarly to what happened in the Correspondence Group, the Committee agreed to leave the definition of passenger out of this revision of the FAL Convention.

4.10 The Committee further recognized that the definition of passenger was a complex issue that potentially had implications outside of the FAL Convention and that there was a need to take into consideration other existing IMO instruments, e.g. the SOLAS Convention, and the work on industrial personnel currently carried out by MSC. Therefore, the Committee agreed to invite Member States and international organizations to submit proposals for a new output on this matter.

Review of the International Health Regulations

4.11 Having noted that WHO had not decided on the timeline for the review of the International Health Regulations (IHR) yet, the Committee agreed to instruct the Working Group on Facilitation Instruments to consider the draft amendments prepared by the Correspondence Group on the new Subsection E of the FAL Convention, "Response to a public health emergency of international concern". The Committee agreed further to monitor the review process of WHO on the IHR, as necessary.

4.12 One delegation, supported by other delegations, expressed the view on the need to ensure consistency between the FAL Convention and other international instruments, in particular WHO, on the terminology used in relation to a public health emergency of international concern as well as on the respective recommendations and that the application of the provisions of the FAL Convention regarding the facilitation of maritime traffic during a public health emergency of international concern should be harmonized with the IHR in their reviewed form and other rules or guidelines approved by WHO. The Committee concluded that consistency with other instruments was an important aspect and that the Working Group should take this into consideration when drafting the amendments of the annex of the FAL Convention on this issue to avoid unintentional conflict between applicable instruments.

Establishment of the Working Group on Facilitation Instruments

4.13 Having considered the above-mentioned matters, the Committee established the Working Group on Facilitation Instruments and instructed it, taking into account documents FAL 45/4 and FAL 45/WP.7, and the comments made and decisions taken in plenary, to:

- .1 complete the revision of the annex of the FAL Convention, with a view to adoption by FAL 46;
- .2 prepare a work plan for developing the relevant amendments regarding the Cargo Declaration; and
- .3 consider the necessity to re-establish the correspondence group to consider the issue of the Cargo Declaration further and prepare terms of reference.

Consideration of the report of the Working Group

4.14 Having considered the report of the Working Group (FAL 45/WP.6), the Committee approved it in general and took action as indicated below.

4.15 The Committee, having noted the information provided by the delegation of WHO that the IHR Review Committee had concluded that no major amendments were needed at that stage:

- .1 agreed on the need to ensure consistency in application between the FAL Convention and the IHR in order to avoid any unintentional conflict between the two instruments; and
- .2 invited the WHO Secretariat to inform the Organization of the progress made by WHO relating to the IHR that could have an impact on maritime traffic.

4.16 The Committee noted the discussion of the Group on paper-based declarations, in relation to drafts Recommended Practice 2.13 and Standard 2.13.1, where the group convened that that the use of paper-based declarations should be the last resort when there was no other alternative.

4.17 The Committee approved the amendments to the annex of the FAL Convention, as set out in annex 1, for circulation in accordance with article VII(2)(a) of the Convention with a view to adoption at FAL 46, and instructed the Secretariat accordingly.

4.18 The Committee endorsed the work plan for developing the relevant draft amendments regarding the Cargo Declaration:

No	Tasks	Session
1	.1 Re-establish the Correspondence Group on the Review and Update of the Annex of the FAL Convention	FAL 45
2	.1 Consider the report of the Correspondence Group on the Review and Update of the Annex of the FAL Convention; .2 Agree on how best to address the issue of the Cargo Declaration; and .3 Approve the corresponding draft amendments, with a view to adoption.	FAL 46
3	.1 Establish a drafting group to finalize the draft amendments; and .2 Adopt the draft amendments.	FAL 47

Terms of reference of the Correspondence Group on the Review and Update of the Annex of the FAL Convention

4.19 The Committee agreed to re-establish a Correspondence Group on the Review and Update of the Annex of the FAL Convention to consider the issue of the Cargo Declaration further, under the coordination of France,¹ and instructed, taking into account documents FAL 45/4 and FAL 45/WP.6, as well as the comments made and decisions taken at FAL 45, to:

- .1 consider the options and consequences, practicality and effect of having both FAL Form 2 and the ship's cargo manifest alongside; merging them; or any other appropriate solution and draft corresponding amendments of the annex of the Convention accordingly;
- .2 develop a draft revised list of data regarding cargo, in coordination with WCO; and
- .3 submit a report for consideration at FAL 46.

¹

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5 APPLICATION OF SINGLE WINDOW CONCEPT

IAPH survey on the implementation of electronic data exchange to conform with the FAL Convention

5.1 The Committee considered document FAL 45/5 (IAPH), providing information on the outcome of the IAPH survey to assess the current conformity level with the FAL requirement for national governments to introduce electronic information exchange between ships and ports and to highlight any respective challenges that ports were facing; informing of the intention of IAPH to shape a permanent dashboard to track progress on digitalization in ports worldwide, and to identify the needs and target IAPH engagement in capacity-building to assist digitalization of ports; and welcoming an IMO initiative addressing accelerating digitalization in the maritime sector and ports with a focus on capacity-building, referring to the joint IMO/Norway GreenVoyage2050 project on decarbonization, where IAPH was a partner, as a good model.

5.2 The Committee expressed its appreciation to IAPH for sharing the results of the survey with the Committee, which provided valuable information. A majority of the delegations that commented on the document expressed their support for exploring additional initiatives to accelerate the digitalization of the maritime sector and ports, focusing on capacity-building and technical assistance.

5.3 Some delegations expressed the view that the inclusion of facilitation of international maritime traffic in the scope of application of the IMO Member State Audit Scheme (IMSAS) could contribute to implementation of electronic data exchange in accordance with the requirements of the FAL Convention, and the Committee recalled that FAL 44 had agreed to include an output on "Analysis of possible means of auditing compliance with the Convention on Facilitation of International Maritime Traffic" in its post-biennial agenda.

Update on initiatives to implement maritime single window systems

5.4 Having considered document FAL 45/5/1 (Secretariat), the Committee noted the two technical cooperation initiatives which had been launched during 2021 by IMO to support Member States in implementing maritime single window (MSW) systems that were in compliance with the FAL Convention requirements, i.e. the "Work Bank Group/IMO maritime single window for SIDS" and the "Single Window for Facilitation of Trade (SWiFT) project with Singapore".

Amendments to the Guidelines for setting up a maritime single window

5.5 The Committee, having recalled that FAL 43 had approved FAL.5/Circ.42 on *Guidelines for setting up a maritime single window* (MSW Guidelines), considered document FAL 44/5 (Japan), proposing amendments to the MSW Guidelines, to correct the way the IMO Compendium was referenced in the Guidelines and to introduce some editorial amendments to correct editorial errors or text that might confuse readers from a technical viewpoint.

5.6 The Committee supported, in general, the amendments proposed in document FAL 44/5, and agreed to review the *Guidelines for setting up a maritime single window* (FAL.5/Circ.42).

5.7 The Committee agreed to further explore a proposal to set up a GISIS module to replace annex A to the Guidelines, which contains examples of Member States' systems, to allow for more examples to be collected.

digitalPORT@SG™ – Singapore's maritime single window

5.8 Having considered document FAL 44/5/1 (Singapore), the Committee noted that Singapore had developed a new maritime single window platform called digitalPORT@SG™ (Phase 1) and that it had been operational since October 2019.

Implementation of an electronic system for ship's clearance based on the single window concept

5.9 In considering document FAL 44/5/2 (Colombia), the Committee noted the implementation of the Integrated Maritime Traffic and Transport System (SITMAR) for automated arrival clearance and departure clearance of ships in waters under Colombian jurisdiction, a technological tool available to users in Colombia since 2009.

Practice of establishing a single window in China

5.10 Having considered document FAL 44/INF.6 (China), the Committee noted the efforts made by the China Facilitation Committee to establish a single window system in the country, which included a road map, practices and experience gained.

Experience of Chile of electronic exchange of information and maritime single window

5.11 In considering documents FAL 44/INF.8 (Chile) and FAL 44/INF.9 (Chile), the Committee noted the implementation of the electronic system for the clearance of ships sailing abroad in Chile, and the development of the maritime single window in Chile, respectively.

5.12 The Committee thanked the Member States who had submitted documents with information on their efforts and initiatives to implement electronic data exchange and the single window approach to the clearance of ships at this session, and encouraged others to submit information at future sessions.

Establishment of the Working Group on Electronic Business

5.13 Upon consideration, the Committee established the Working Group on Electronic Business, chaired by Mr. Mikael Renz (Sweden), and instructed it, taking into account document FAL 44/5 and the decisions, comments and proposals made in plenary, to prepare a revised version of the *Guidelines for setting up a maritime single window* (FAL.5/Circ.42).

Report of the Working Group

5.14 Having considered the relevant part of the Working Group's report (FAL 45/WP.5), the Committee approved FAL.5/Circ.42/Rev.1 on *Revised guidelines for setting up a maritime single window*.

5.15 The Committee considered the recommendation of the Working Group in respect of the proposal to set up a GISIS module to replace annex A to the Guidelines, and:

- .1 approved the development of a GISIS module to replace annex A of FAL.5/Circ.42, to provide updated information on MSWs and other related single windows that were not MSWs implemented by Member States, and requested the Secretariat to set it up;

- .2 agreed that the module had the same information requirements as in annex A of FAL.5/Circ.42, and the reporting to this module would be voluntary; and
- .3 noted the discussion on the need to encourage harmonization of maritime single window solutions.

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

6.1 The Committee recalled that FAL 44 had approved FAL.5/Circ.43 on *Revised IMO Compendium on Facilitation and Electronic Business*; the procedure to issue a revision of the circular in case of minor amendments to the IMO Compendium or to issue a new FAL circular for major amendments or extensions to the data set and data model; the working procedures for EGDH; the updated priority list of data sets; and the revised terms of reference of EGDH.

6.2 The Committee recalled further that FAL 44 had approved two meetings of EGDH in 2021, the first one to be held back to back with FAL 45, and the second to be held in the second half of 2021.

6.3 The Committee recalled also that FAL 44 had agreed to submit three Data Maintenance Requests (DMRs) to UNECE, and the Committee noted that two of the IMO DMRs were considered during the UN/CEFACT Forum on 5 May 2021 and were approved with minimum changes; the third one was not submitted because the Secretariat needed further clarification from EGDH.

Reports of the Expert Group on Data Harmonization

6.4 The Committee noted with appreciation the reports of EGDH (FAL 45/6), and in particular the work carried out by its Chair, Mr. Mikael Renz (Sweden).

6.5 The Committee also thanked all the participants of EGDH 2 and 3 and members of the modelling team for the work done, as well as the IMO Secretariat.

6.6 Having considered document FAL 45/6 and the actions requested, the Committee:

- .1 noted the progress made on the data set related to "Ship reporting system (resolution A.851(20))" (EGDA 2/17, section 6 and annex 6 and EGDH 3/21, section 5 and annex 6);
- .2 noted the discussion on the working procedures related to the work on the maintenance of the IMO Compendium (EGDH 2/17, paragraphs 8.1 and 8.2);
- .3 invited MSC to instruct NCSR to report to EGDH on any development that had an impact on the IMO Compendium (EGDH 2/17, paragraph 8.4);
- .4 noted the discussion on the use of UN/LOCODE child codes (EGDH 2/17, paragraph 8.6);
- .5 noted the discussion on the silent clearance procedure (EGDH 2/17, paragraph 8.7);

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- .6 noted the discussion on the inclusion of sequence diagrams in the IMO Compendium (EGDH 2/17, paragraph 8.8);
 - .7 noted the discussion on facilitating administrative processes in connection with the management of electronic certificates (EGDH 3/21, paragraphs 4.1, 4.2 and 4.3);
 - .8 noted the discussion on the possible inclusion of STCW certificates in the IMO Compendium (EGDH 3/21, paragraph 4.14);
 - .9 noted that the Group had submitted the data set "Port logistic operational data and real-time data" to the NCSR Sub-Committee and its proposed code list for information (EGDH 3/21, paragraph 6.4) and that this action had been postponed to NCSR 9 in 2022 because the related agenda item of NCSR 8 was postponed; and
 - .10 noted the discussion on the scope of the IMO Compendium (EGDH 3/21, paragraph 10.2).

6.7 The Committee decided to forward document FAL 45/6 to the Working Group on Electronic Business, for the issues referred to in the document that needed consideration by the Working Group.

6.8 The Committee noted that the modelling of the decisions made by EGDH 2 and EGDH 3 had been carried out by the modelling team (IMO, UNECE, WCO, EC, ISO, BIMCO, and IPCSA) in separate meetings in December 2020 and February 2021. The outcome of the modelling work was presented to the Committee in documents FAL 45/6/2, FAL 45/6/3 and FAL 45/6/4.

6.9 The Committee also noted that the Secretariat had prepared a new version of the IMO Compendium, in document FAL 45/WP.8/Rev.1, based on the outcome of the EGDH meetings and of the modelling work. To facilitate its review, some parts of the IMO Compendium were available in a new Excel format which was available from the links provided in FAL 45/WP.8/Rev.1.

6.10 The Committee agreed to forward documents FAL 45/6/2, FAL 45/6/3, FAL 45/6/4 and FAL 45/WP.8 to the Working Group on Electronic Business for further consideration.

Revised working procedures of EGDH

6.11 The Committee considered document FAL 45/6/1 (Secretariat) containing the proposal of a revised version of the EGDH working procedures and agreed to submit the document to the Working Group on Electronic Business for further consideration.

Challenges and options in expanding the IMO Reference Data Model

6.12 The Committee considered document FAL 45/6/5 (UNECE) presenting some considerations on the challenges and options in expanding the IMO Reference Data Model.

6.13 The Committee recalled that FAL 42 had agreed to extend the scope of the IMO Compendium beyond the FAL Convention, to include additional e-business solutions, and FAL 43 had agreed to convert this output to continuous.

6.14 The Committee noted the view of UNECE that the IMO Reference Data Model should not go beyond the reporting requirements directly linked to the FAL Convention and that special attention should be paid to the alignment of the IMO Compendium, as a maritime-focused data model, with the broader international supply chain, to ensure that it really supported digitalization.

6.15 The Committee confirmed the agreement at FAL 42 to extend the scope of the IMO Compendium beyond the FAL Convention, to include additional e-business solutions and expressed its deep appreciation for the work and efforts made by UNECE and the other partners of the MoU, ISO and WCO, in contributing to the modelling work and to the delivery of the IMO Compendium. The Committee further noted that the IMO Compendium was a facilitation tool covering ship and port processes, and limiting its scope would not correspond to the need for digitalization of the maritime sector and ports.

6.16 In response to the issues raised by UNECE, the Committee requested the Secretariat to liaise with the partner organizations of the MoU and discuss the issues identified that might have an effect on the current working method and ability to work and deliver the Compendium and to report at a next session of the Committee as appropriate.

Invitation to industry bodies to develop and maintain technical standards for administrative and operational data

6.17 The Committee considered document FAL 45/6/6 (BIMCO et al.) containing a call from the co-sponsors and other maritime NGOs inviting public and private actors to help create global technical standards for the exchange of administrative, operational and nautical data under the auspices of ISO Technical Committee 8 to facilitate the digital exchange of data.

Provision of information supporting berth-to-berth route planning in IHO Standard S-131 (Marine Harbour Infrastructure)

6.18 The Committee considered document FAL 45/6/7 (IHO) containing information about IHO Standard S-131 (Marine Harbour Infrastructure), which aimed to support berth-to-berth route planning operations in line with IMO resolution A.893(21). This Standard was under development by IHO in cooperation with the International Harbour Masters' Association (IHMA) and had been making good progress.

6.19 The Committee further noted the request from IHO to include the "Data set on berth locations (S-131 (Marine Harbour Infrastructure))" in the priority list of data sets in order for IHO to submit it directly to EGDH for inclusion in the IMO Compendium as soon as it was finalized by IHO.

6.20 In this regard, the Committee agreed to submit the document to the Working Group on Electronic Business for further consideration.

Sharing information on practices for amending the IMO Compendium on Facilitation and Electronic Business

6.21 The Committee noted the information provided by the Republic of Korea in document FAL 45/INF.2 to contribute to the development of the IMO Compendium and noted the three new data sets proposed for inclusion in the IMO Compendium following examination by EGDH.

Instructions to the Working Group

6.22 The Committee instructed the Working Group on Electronic Business established under agenda item 5 (see paragraph 5.13), taking into account documents FAL 45/6, FAL 45/6/1, FAL 45/6/2, FAL 45/6/3, FAL 45/6/4, FAL 45/6/7 and FAL 45/WP.8/Rev.1, and the comments and decisions made in plenary, to:

- .1 finalize the IMO Compendium on Facilitation and Electronic Business;
- .2 prepare the working procedure of EGDH;
- .3 advise on the new data sets to be included in the priority list of data sets; and
- .4 amend the terms of reference of EGDH if necessary.

Report of the Working Group

6.23 Having considered the relevant part of the Working Group's report (FAL 45/WP.5), the Committee took action as indicated in the following paragraphs.

IMO Compendium

6.24 The Committee approved FAL.5/Circ.44 on *IMO Compendium on Facilitation and Electronic Business*.

6.25 The Committee approved the revised priority list of data sets, as set out in annex 2.

6.26 The Committee informed related committees on new data sets relevant to their work to be examined by EGDH with a view to including the data sets in the IMO Compendium by FAL 46 (e.g. MEPC: data set related to ballast water arrival reporting; MSC: data set on verified gross mass (VGM); data set on container inspection programme (CIP); data set on berth locations (S-131 (Marine Harbour Infrastructure)); and data set on terminal codes (child code of UN/LOCODE, IMO Port facility number, SMDG, BIC facility codes and IHO S-131 product specification)).

Terms of reference and working procedure of EGDH

6.27 The Committee agreed to the revised terms of reference of EGDH, as set out in annex 3.

6.28 The Committee approved the working procedure of EGDH, as set out in annex 4.

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

7.1 The Committee recalled that FAL 44 had considered document FAL 44/7 (ISO), providing draft revised guidance for authentication, integrity and confidentiality of content for the purpose of electronic exchange of information.

7.2 The Committee recalled further that FAL 44, having approved the output "Development of guidelines for harmonized communication and electronic exchange of operational data for port calls", had agreed to establish a single Correspondence Group on Developing Guidelines on Electronic Signature Systems and Operational Port Data for the Purpose of Digital Information Exchange to develop both sets of guidelines.

7.3 The Committee noted with appreciation the report of the aforementioned Correspondence Group (FAL 45/7), in particular the work carried out by its coordinator, Mr. Gavin Yeo (Singapore).

7.4 In line with the suggestion made by the Correspondence Group, the Committee agreed to re-establish the Correspondence Group on Developing Guidelines on Electronic Signature Systems and Operational Port Data for the Purpose of Digital Information Exchange.

7.5 The Committee further agreed to request the Working Group on Electronic Business to review the terms of reference of the Correspondence Group and address the need to align the guidelines with the work of EGDH and, if time permitted, to progress further on the guidance for authentication, integrity and confidentiality of content for the purpose of electronic exchange of information.

Instructions to the Working Group

7.6 The Committee instructed the Working Group on Electronic Business (see paragraph 5.13), taking into account document FAL 45/7 and the comments and decisions made in plenary, to:

- .1 address the need to align the guidelines with the work of EGDH;
- .2 review the terms of reference of the Correspondence Group on Developing Guidelines on Electronic Signature Systems and Operational Port Data for the Purpose of Digital Information Exchange; and
- .3 if time permitted, further develop the guidelines for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window.

Report of the Working Group

7.7 Having considered the relevant part of the Working Group's report (FAL 45/WP.5), the Committee took action as indicated in the following paragraphs.

7.8 The Committee noted the recommendations for the alignment of the Correspondence Group on Developing Guidelines on Electronic Signature Systems and Operational Port Data for the Purpose of Digital Information Exchange and EGDH.

Terms of reference of the Correspondence Group on Developing Guidelines on Electronic Signature Systems and Operational Port Data for the Purpose of Digital Information Exchange

7.9 The Committee instructed the Correspondence Group on Developing Guidelines on Electronic Signature Systems and Operational Port Data for the Purpose of Digital Information Exchange, under the coordination of Singapore,² to:

² **Coordinator:**
Mr Gavin Yeo
Assistant Director (Sectoral Systems Development)
Maritime and Port Authority of Singapore
Email: IMO_CG@mpa.gov.sg

- .1 develop guidelines on authentication, integrity and confidentiality of information exchanges via maritime single windows and related services with a view to being finalized at FAL 46;
- .2 consider how common functions related to the authentication, integrity and confidentiality of information exchanges via maritime single windows and related services could be organized;
- .3 take into account existing and emerging standards and methodologies to promote interoperability;
- .4 take into account relevant ongoing work of amendments to the FAL Convention; and
- .5 submit a report in time for consideration at FAL 46.

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

8.1 The Committee postponed consideration of this agenda item to FAL 46.

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

9.1 The Committee recalled that FAL 44 had established a single Correspondence Group on Developing Guidelines on Electronic Signature Systems and Operational Port Data for the Purpose of Digital Information Exchange (see paragraph 7.2), and had instructed the Correspondence Group to start work on developing a table of contents for guidelines for harmonized communication and electronic exchange of operational data for port calls for consideration by FAL 45, if time permitted.

9.2 The Committee noted, with appreciation, the report of the aforementioned Correspondence Group (FAL 45/7) and noted that the Correspondence Group had had no time to develop a table of contents for guidelines.

9.3 The Committee recalled its previous decisions to re-establish the Correspondence Group on Developing Guidelines on Electronic Signature Systems and Operational Port Data for the Purpose of Digital Information Exchange and to instruct the Working Group on Electronic Business to review the terms of reference of the Correspondence Group (see paragraphs 7.4 and 7.5, respectively).

Instructions to the Working Group

9.4 The Committee agreed to request the Working Group on Electronic Business (see paragraph 5.13) to develop a table of contents for the guidelines for harmonized communication and electronic exchange of operational data for port calls for consideration by FAL 45, if time permitted.

Report of the Working Group

9.5 Having considered the relevant part of the Working Group's report (FAL 45/WP.5), the Committee took action as indicated in the following paragraphs.

9.6 The Committee noted the table of contents for the guidelines for harmonized communication and electronic exchange of operational data for port calls, as set out in FAL 45/WP.5, annex 6.

9.7 The Committee agreed to add the following to the terms of reference of the Group set out in paragraph 7.9:

"taking into account the discussions at FAL 45, develop guidelines for harmonized communication and electronic exchange of operational data for port calls, as recognized in the IMO Reference Data Model, for consideration by FAL 46."

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

10.1 The Committee postponed consideration of this agenda item to FAL 46.

11 DEVELOPMENT OF GUIDELINES ON CREATING A TOOL TO MEASURE DOMESTIC IMPLEMENTATION OF THE FAL CONVENTION

11.1 The Committee recalled that FAL 43 had considered a draft FAL circular on developing a tool to measure domestic implementation of the FAL Convention, proposed in document FAL 43/12 (Chile), and had noted the progress made by the Working Group on Other Facilitation Subjects 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 was 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 that a specific definition of the term "tool" should be provided.

11.2 The Committee recalled that FAL 43 had invited Member States to submit proposals to FAL 44 on elements that could assist Member States in evaluating the domestic implementation of the FAL Convention. However, due to time limitations during the remote session, FAL 44 had agreed to postpone the consideration of this agenda item to FAL 45.

11.3 The Committee considered document FAL 44/10 (Chile), proposing a model questionnaire consisting of two surveys prepared by the Chilean Maritime Authority for its inclusion in the annex to the guidelines, and document FAL 44/10/1 (Colombia), reporting the experience of Colombia in carrying out a diagnosis of the implementation of the FAL Convention and proposing the inclusion of a voluntary tool to help Member States evaluate domestic implementation of the FAL Convention. The Committee noted that the documents contained different solutions to assist Member States with evaluating the domestic implementation of the FAL Convention.

11.4 In this connection, the Committee considered document FAL 45/11 (Chile et al.) containing a draft text of the FAL circular on the guidelines on creating a tool to measure domestic implementation of the FAL Convention, prepared by the sponsors of the documents submitted to FAL 44, consolidating proposals submitted to FAL 44.

11.5 The majority supported the approval of the circular on the guidelines on creating a tool to measure domestic implementation of the FAL Convention as set out in FAL 45/11. One delegation expressed the view that the guidelines should be redrafted to align better with the provisions related to digitalization and the single window concept.

11.6 After agreeing on some amendments in relation to the draft in document FAL 45/11, the Committee approved FAL.2/Circ.132 on *Guidelines on creating a tool to measure domestic implementation of the FAL Convention*.

12 UNSAFE MIXED MIGRATION BY SEA

12.1 The Committee postponed consideration of this agenda item to FAL 46.

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

13.1 The Committee postponed consideration of this agenda item to FAL 46.

14 GUIDANCE TO ADDRESS MARITIME CORRUPTION

14.1 The Committee recalled that FAL 43, when considering document FAL 43/17 (Liberia et al.), had agreed to include in the 2020-2021 biennial agenda of the FAL Committee and the provisional agenda for FAL 44 an output on "Guidance to address maritime corruption", with a target completion year of 2021.

14.2 The Committee recalled also that FAL 44, when considering document FAL 44/13 (Liberia et al.), providing a proposal with respect to developing IMO guidance to address bribery and corruption in the maritime sector, noted the additional information provided by the Director of LED, as set out in FAL 44/21/1, annex 8, stating that the questions raised in document FAL 43/19 (Secretariat) were still valid.

14.3 The Committee noted with appreciation the report of the Correspondence Group on the Guidance to Address Maritime Corruption (FAL 45/14/1) containing the interim work made by the Correspondence Group, in particular the work carried out by its coordinator, Mr. Rob Lomas (Marshall Islands), and agreed to re-establish the Correspondence Group.

14.4 The Committee encouraged Member States and international organizations to participate in the Correspondence Group.

14.5 The Committee considered document FAL 45/14 (Vanuatu), containing a proposal to establish a new GISIS module on maritime corruption as a platform to report alleged cases for further use by the Organization for statistical purposes, and the implementation of technical cooperation activities to be offered to alleged affected countries with the financial support of a new Facilitation Trust Fund.

Proposal for a new GISIS module on maritime corruption to support technical cooperation assistance

14.6 In the ensuing discussion, the Committee noted the following comments:

- .1 while some delegations supported the establishment of a GISIS module on "IMO maritime corruption", other delegations expressed concerns on the implications of an anonymous reporting system;

- .2 in addition to Member States, NGOs and IGOs should be able to report alleged cases of maritime corruption to the GISIS module;
- .3 taking into account that the implications of the proposal could go beyond the FAL Committee, in particular on issues related to legal implications and liabilities of the Organization, the Committee should request the views of the Legal Committee;
- .4 the FAL Committee should consult the Technical Cooperation Committee on the technical cooperation activities aspects of the proposal; and
- .5 the Council should be consulted due to the possible financial implications of a new GISIS module.

14.7 The Committee agreed to request the Correspondence Group on the Guidance to Address Maritime Corruption to consider further the proposal of the GISIS module, taking into account the comments made during the discussion, and to advise FAL 46 accordingly.

Development of a new Facilitation Trust Fund

14.8 The Committee, when considering the establishment of a new Facilitation Trust Fund, noted the report of the Functional Review Project in documents C 125/4(f) and C 125/INF.5. The Committee noted further that one of the tasks of the Functional Review Project had been to go through all of the Organization's separate funds (both multi-donor trust funds and bilateral funds) each with their own administrative costs and reporting requirements, closing down and merging overlapping funds. Based on these decisions, the Committee agreed that a new fund would not fit in the revised fund structure that was under development and that the existing "Maritime Development and Facilitation Fund", managed by TCD, could be utilized for provision of maritime corruption specific technical cooperation activities, if so decided.

14.9 One delegation proposed to review the Country Maritime Profile in GISIS to include maritime corruption specific technical cooperation activities.

Terms of reference of the Correspondence Group on the Guidance to Address Maritime Corruption

14.10 The Correspondence Group, under the coordination of the Marshall Islands,³ was instructed, taking into account documents FAL 45/14, FAL 45/14/1 and FAL 44/21/1, as well as the comments made and decisions taken at FAL 45, to:

- .1 develop draft guidance to implement and embrace anti-bribery and anti-corruption practices and procedures, based on the annex to document FAL 45/14/1, with a view to approval by FAL 46;
- .2 consider the proposal to establish a GISIS module in FAL 45/14 taking into account the additional information provided by the Director of LED in FAL 44 (FAL 44/21/1, paragraph 13.6 and annex 8), and advise FAL 46 accordingly; if the Group recommends the establishment of a GISIS module, the following should be included, as a minimum:

³ **Coordinator:**
Mr. Rob Lomas
Deputy Commissioner Maritime Affairs
Tel: +44 (0)7789 203622
Email: rlomas@register-iri.com

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- .1 a draft data set of the report;
 - .2 identification of who can submit the report; and
 - .3 advise on how to consider further the non-technical aspects mentioned by the Director of LED in FAL 44 including reconciliation of facts of the reports made in the module and liability in case the accuracy of the reports in the module are questioned; and
- .3 submit a report in time for consideration at FAL 46.
- 15 REGULATORY SCOPING EXERCISE FOR THE USE OF MARITIME AUTONOMOUS SURFACE SHIPS (MASS)**
- 15.1 The Committee postponed consideration of this agenda item to FAL 46.
- 16 TECHNICAL COOPERATION ACTIVITIES RELATED TO FACILITATION OF MARITIME TRAFFIC**
- 16.1 The Committee postponed consideration of this agenda item to FAL 46.
- 17 RELATIONS WITH OTHER ORGANIZATIONS**
- 17.1 The Committee postponed consideration of this agenda item to FAL 46.
- 18 APPLICATION OF THE COMMITTEE'S PROCEDURES ON ORGANIZATION AND METHOD OF WORK**
- 18.1 The Committee postponed consideration of this agenda item to FAL 46.
- 19 WORK PROGRAMME**

Proposal for a new output

Inclusion of Advance Passenger Information (API) and Passenger Name Record (PNR)

19.1 The Committee considered document FAL 45/19 (Japan et al.), proposing to develop measures for passenger facilitation and control in the maritime environment in general, and in particular for the standardization of API and PNR for cruise ships and later ferries in cooperation with WCO.

19.2 In the ensuing discussion, the establishment of the new output as suggested by Japan et al. was supported in principle. Additionally, the following views were expressed:

- .1 A number of delegations stated that it was necessary to thoroughly assess the legal, technical and financial challenges of the development of API and PNR. There was potential added value for maritime security, but there were also essential issues, such as the protection of personal data and, in general, of fundamental rights such as the freedom of movement. There was support for the view that those aspects should be specifically taken into account in relation to work under this output. It was also important, when discussing this matter, to find ways to avoid possible unnecessary disruptions or burdens to maritime traffic.

- .2 The delegation of WCO stated that they were looking to move this initiative forward quickly, at the request of their members, in order to assist the cruise industry in getting back to sailing, including with regard to biosafety and the reopening of borders as countries came out of the pandemic. This view was supported by the co-sponsoring delegation of New Zealand, stating that after the pandemic the absence of a single global data standard for passenger and crew was no longer an option, as this resulted in input errors and increased compliance cost for both Member States and the industry.
- .3 It was essential that such new systems were based on an international standard and that any new requirements were standardized with existing global best practices. Cruise ships regularly changed operating regions over the course of a year, and compliance with different systems in different regions or countries was costly and inefficient.
- .4 New initiatives should not come at the expense of the seamless boarding and travel experiences of passengers and crew members, and any new system should be as similar as possible to the existing United States' Advance Passenger Information System, with which many operators were already fully compliant, and fully in line with the European Entry/Exit System and Travel Information and Authorization System already under way.
- .5 The delegation of the UN Office of Counter-Terrorism stated that many States were in the process of expanding their API and PNR programme into the maritime domain, and it was therefore very important that a common, harmonized standard be rapidly developed in order to avoid diverging requirements.

19.3 Following consideration of the proposal, the Committee agreed to include an output in the 2022-2023 biennial agenda and the provisional agenda for FAL 46 on "Introduction of the API/PNR concept in maritime transport", with a target completion year of 2023. In doing so, the Chair underlined that no decision had been taken at this stage on how this work should be done, nor with regard to any of the possible implications of this new output.

Endorsement of new output

19.4 In accordance with the relevant provisions of the *Application of the Strategic Plan of the Organization* (resolution A.1111(30)), the Committee invited C 126 to endorse the above-mentioned new output, for inclusion in the biennial agenda for 2022-2023.

Biennial status report of the Facilitation Committee

19.5 The Committee endorsed the status of outputs for the 2020-2021 biennium, which had been prepared by the Secretariat in consultation with the Chair, and accordingly invited C 126 to note the report on the status of outputs of the Facilitation Committee, as set out in annex 5.

Outputs of the Facilitation Committee for the 2022-2023 biennium

19.6 The Committee approved the outputs for the 2022-2023 biennium for the Committee as set out in annex 6 for submission to C 126.

Post-biennial agenda of the Committee

19.7 The Committee endorsed the status of outputs accepted for inclusion in the post-biennial agenda, which had been prepared by the Secretariat in consultation with the Chair, and accordingly invited C 126 to note its post-biennial agenda, as set out in annex 7.

Intersessional meetings

19.8 The Committee recalled its decision to establish an intersessional Working Group on Maritime Autonomous Surface Ships from 12 to 14 October 2021, to complete the regulatory scoping exercise on the FAL Convention, subject to endorsement by C 125 (see paragraph 1.7).

19.9 The Committee recalled that FAL 44 had approved the holding of the following intersessional meetings in 2021 which had been endorsed by C 124:

- .1 the fourth meeting of EGDH, to be held back to back with FAL 45; and
- .2 the fifth meeting of EGDH, to be held in the second half of 2021;

and noted that EGDH 5 had been scheduled to take place from 25 to 29 October 2021.

19.10 In addition, the Committee approved the following intersessional meetings of the Expert Group on Data Harmonization to be held in 2022, one of them back to back with FAL 46, if possible, subject to endorsement by C 126:

- .1 the sixth meeting of EGDH to be held in the first half of 2022; and
- .2 the seventh meeting of EGDH, to be held in the second half of 2022.

Substantive items for inclusion in the agenda of FAL 46

19.11 Having considered the proposals in document FAL 45/WP.3, the Committee agreed to the substantive items to be included in the agenda of its forty-sixth session, as set out in annex 8. 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 2.3). Having considered the proposals in document FAL 45/WP.3, the Committee agreed to the substantive items to be included in the agenda of its forty-sixth session, as set out in annex 8. 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 2.3).

Establishment of working and drafting groups at FAL 46

19.12 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 46:

- .1 electronic business;
- .2 facilitation instruments;
- .3 other facilitation subjects; and
- .4 drafting group for revising the text of the amendments of the annex of the FAL Convention.

19.13 The Committee further agreed that, should the need arise, FAL 46 could consider establishing any other working or drafting groups when considering the various agenda items and requested the Secretariat, in consultation with the Chair, to prepare and circulate well in time before the meeting the provisional timetable for FAL 46 and a list of the likely working or drafting groups to be established.

Date and venue of the next session

19.14 The Committee noted that, due to the uncertainty about which kind of meetings (physical or hybrid) would be held in 2022, the preliminary programme of meetings for 2022 was not yet available. Meeting dates for 2022 were expected to be published shortly after C 125 in July 2021.

20 ELECTION OF CHAIR AND VICE-CHAIR FOR 2022

20.1 In accordance with its Rules of Procedure, the Committee unanimously elected Ms. Marina Angsell (Sweden) as Chair for 2022. The Committee, having noted that the current Vice-Chair, Ms. Hadiza Bala Usman (Nigeria), might not be available for re-election, agreed to postpone the election of the Vice-Chair of the Facilitation Committee for 2022 to FAL 46.

21 ANY OTHER BUSINESS

21.1 The Committee recalled that FAL 44 had only considered documents related to the impact of the COVID-19 pandemic on the facilitation of maritime traffic under this agenda item and had postponed consideration of all remaining documents to this session (FAL 44/21/1, paragraphs 1.16 and 20.1).

Impact of the COVID-19 pandemic on safe ship crew changes and other safety-related matters

21.2 The Committee recalled that FAL 44 had:

- .1 endorsed resolution MSC.473(ES.2) on *Recommended action to facilitate ship crew change, access to medical care and seafarer travel during the COVID-19 pandemic*; and
- .2 considered the suggestions on possible amendments to the annex of the FAL Convention to ensure the facilitation of maritime traffic during a public health emergency of international concern, and had agreed to submit document FAL 44/20/5 for the consideration of the Correspondence Group on the Review and Update of the Annex of the FAL Convention.

21.3 The Committee recalled that MSC 103 had:

- .1 noted the latest developments relating to the pandemic, in particular that, as requested by MSC 102, the new module on Crew Change and Repatriation of Seafarers was available on GISIS for the notification and dissemination of information on ports that facilitated crew changes and on National Focal Points on the matter, as informed in Circular Letter No.4398 on 8 April 2021. It was advised that, following the deployment of the module, the MSC.7 circular series for the dissemination of information on the designation of National Focal Points on Crew Change and Repatriation of Seafarers would be discontinued;

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- .2 endorsed the revision of circular MSC.1/Circ.1636, with the revised *Industry recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic*; and
- .3 adopted the resolution on *Recommended action to prioritize COVID-19 vaccination of seafarers* and had requested the Secretariat to prepare a draft Assembly resolution consolidating issues related to crew change, access to medical care, "key worker" designation and vaccination to further highlight the relevance of these problems, to be considered at MSC 104, for submission to A 32 with a view to adoption.

21.4 The Committee noted that, as of 28 May 2021, 60 IMO Member States and 2 Associate Members had notified the Organization of their recognition of seafarers as "key workers" (Circular Letter No.4204/Add.35/Rev.7), and urged Governments that had not yet done so to designate seafarers as "key workers", taking into account the relevance of this designation, including for seafarers' prioritization for vaccination.

Thematic priorities for ITCP for the 2022-2023 biennium

21.5 The Committee recalled that FAL 43 had approved thematic priorities for the Integrated Technical Cooperation Programme (ITCP) in relation to FAL matters for the 2020/2021 biennium, and that TC 69 had subsequently approved ITCP for 2020/2021 based on the thematic priorities agreed by the Committees and the corresponding needs of developing countries.

21.6 The Committee considered the proposed thematic priorities in the annex to document FAL 45/WP.9 for the 2022-2023 biennium for providing technical assistance and capacity-building, with new thematic priorities for ensuring the facilitation of maritime traffic during a public health emergency of international concern and for digitalization of the ship-port interface.

21.7 Having considered the need to be inclusive of the special needs of developing countries in their ratification and implementation of IMO instruments, the Committee agreed to amend priority 9 to include a reference to developing countries.

21.8 The Committee approved the selected thematic priorities for ITCP for the 2022-2023 biennium, as set out in annex 9, and requested the Secretariat to forward them to the Technical Cooperation Committee.

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

ICS trade study on protectionism in maritime economies (2021)

21.10 The Committee expressed appreciation for the information in document FAL 45/21 (ICS), on the study conducted by ICS on identifying the trade restrictive measures that individual governments had in place and laying out different pathways for trade policy reforms which would lead to tangible trade and real GDP growth for national economies, and invited ICS to consider the introduction of the maritime single window criterion in future editions and to update the Committee on future development.

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

- .1 the study on protectionism in maritime economies submitted to the Committee conducted by ICS was relevant because the reduction of barriers to trade was crucial for global trade;
- .2 the study should be evaluated further by the Committee, as well as by the Member States, when considering maritime trade policy reforms;
- .3 while some delegations expressed their support for the Organization having a role to play in this matter, other delegations expressed concerns, because it was necessary to take into account the competence of WTO on protectionism and trade reforms; and
- .4 it was important to ensure sufficient funding for technical cooperation initiatives that accelerated trade reforms and digitalization.

21.12 The Committee noted the information in document FAL 45/21 and the views expressed during the discussion, and invited interested Member States and international organizations to submit proposals in order for the Committee to consider the issue further.

Cyber risk management for ships and ports

21.13 The Committee considered document FAL45/21/1 (IAPH), which provided information on cybersecurity and cyber risk management initiatives for port communities and the intention of IAPH to submit cybersecurity guidelines for ports and port facilities to MSC 104 for consideration.

21.14 The Committee, having noted that MSC 103 had approved, subject to the concurrence of the FAL Committee, MSC-FAL.1/Circ.3/Rev.1, updating the industry guidance listed in paragraph 4.2 of the *Guidelines on maritime cyber risk management* (MSC-FAL.1/Circ.3) to include the consolidated IACS Recommendation on cyber resilience (Recommendation 166), concurrently approved MSC-FAL.1/Circ.3/Rev.1 on *Guidelines on maritime cyber risk management*.

Minimum training and education for mooring personnel

Revised guidelines on minimum training and education for mooring personnel

21.15 The Committee noted that SDC 6 had considered the inclusion of training and familiarization provisions for shore-based mooring personnel in the draft guidelines for inspection and maintenance of mooring equipment; had noted that this matter was outside the scope of the output; and had invited the Maritime Safety Committee to consider what action, if any, should be taken, with regard to the existing *Ship/port interface – Guidelines on minimum training and education for mooring personnel* (FAL.6/Circ.11/Rev.1).

21.16 The Committee noted further that MSC 101 had:

- .1 approved, in principle, the draft MSC circular on guidelines for inspection and maintenance of mooring equipment, with a view to final approval in conjunction with the adoption of the associated draft amendments to SOLAS regulation II-1/3-8, which were expected to take effect on 1 January 2024; and

- .2 agreed that this matter was outside the scope of these guidelines and invited the FAL Committee to consider the need to address training and familiarization provisions for shore-based mooring personnel that might emanate from the new guidelines.

21.17 In this regard, the Committee invited interested Member States and international organizations to submit proposals for a new output to the next session of the Committee to amend FAL.6/Circ.11/Rev.1 on *Guidelines on minimum training and education for mooring personnel*, to consider the need to address training and familiarization provisions for shore-based mooring personnel in relation to the draft guidelines for inspection and maintenance of mooring equipment.

Survey related to application of FAL.6/Circ.11/Rev.1 by the Member States

21.18 The Committee considered document FAL 45/21/3 (Italy et al.) with information on a survey questionnaire related to the application of FAL.6/Circ.11/Rev.1, on *Guidelines on minimum training and education for mooring personnel*, to ensure the maximum level of safety for personnel involved in mooring and unmooring operations in ports and harbours.

21.19 The Committee, having noted the questionnaire survey on the application of FAL.6/Circ.11/Rev.1, as set out in the annex to document FAL 45/21/3, encouraged participation and invited the co-sponsors to inform the Committee of the results as appropriate, as the outcome of the survey might be a good basis to review FAL.6/Circ.11/Rev.1.

Training, familiarization and qualifications of shore-based personnel operating shipboard lifting appliances and loose gear

21.20 The Committee noted that SSE 7, upon finalization of the MSC circular on guidelines for lifting appliances, had invited MSC 102 to refer the matter of training, familiarization and qualifications of shore-based personnel operating shipboard lifting appliances and loose gear to the FAL Committee for consideration and action, as appropriate.

21.21 The Committee noted that MSC 102 had approved, in principle, a draft MSC circular on guidelines for lifting appliances, with a view to final approval in conjunction with the adoption of the associated draft amendments to SOLAS chapter II-1, and had referred the matter to the FAL Committee.

21.22 In this regard, the Committee:

- .1 noted the development of draft guidelines for lifting appliances, with a view to informing the port community/ports and terminals that used shipboard equipment as lifting appliances with regard to the relevant provisions therein; and
- .2 invited interested Member States and international organizations to submit proposals for a new output on the training, familiarization and qualifications of shore-based personnel operating shipboard lifting appliances and loose gear, consequential to the implementation of the aforementioned, when taking effect, if deemed necessary.

Passenger facilitation and control

21.23 The Committee considered information provided in document FAL 44/20 (WCO) on initiatives to develop measures for passenger facilitation and control in the maritime environment in general, and for cruise ships and later ferries in particular, using Advanced Passenger Information (API) and Passenger Name Record (PNR) data standards and transmission methodology along with a Compendium of Best Practices for customs use.

21.24 The Committee recalled its decision to include a new output on "Introduction of the API/PNR concept in maritime transport" (paragraph 19.3).

21.25 The Committee noted that MSC 103, when considering document MSC 103/9/4 (WCO), had also requested the Secretariat to attend meetings of the WCO Passenger Controls and Facilitation Working Group and report back on developments to future sessions of the Committee, as well as to inform the FAL Committee of the outcome of its deliberations.

21.26 The Committee:

- .1 noted the information provided on the WCO initiatives relating to passenger facilitation and control and in particular on the Cruise Ship Report – Way Forward to Improve Cruise Ship Controls, including the invitation to consider contributing to the Compendium of Best Practices for customs use created by WCO to ensure familiarization among customs administrations with the ISPS Code;
- .2 invited Member States to share their national interests and practices, including existing cooperation and exchange of information with relevant entities, in the area of cruise ship passenger controls and pre-arrival information for security;
- .3 invited Member States to consider regular attendance at the relevant WCO working bodies, primarily the planned WCO Passenger Facilitation and Control Working Group, where relevant international standards/instruments would be developed and ultimately published, in particular new or updated existing global standards of API and PNR for facilitating the submission of information by the cruise line industry to regulatory bodies in advance of the arrival of a cruise vessel, with the possibility of extending this to other marine vessels; and
- .4 requested the IMO Secretariat to attend meetings of the WCO Passenger Facilitation and Control Working Group and report back on developments to the next session of the Committee.

21.27 The Committee also considered document FAL 45/21/4 (UN Office of Counter-Terrorism) on the recent work of the UN Countering Terrorist Travel Programme regarding the collection of traveller data from maritime operators and concluded that the information could be of relevance to the work under the new output on "Introduction of the API/PNR concept in maritime transport" (paragraph 19.3). Interested Member States were invited to contact the UN CT Travel Programme for more information at ctravel@un.org.

Using maritime transport as a channel for illicit trade

21.28 The Committee considered FAL 45/21/2 (UNCTAD), updating document FAL 44/20/1 on the activities carried out by UNCTAD to reduce the impact of illicit trade, which had a substantial negative impact on the economy and society as well as on the achievement of the United Nations Sustainable Development Goals (SDGs).

21.29 The Committee noted the intention of UNCTAD to submit a proposal for a new output to FAL 46 to develop IMO guidance identifying, compiling and sharing best practices and other relevant instruments that could reduce illicit trade activity that relied on maritime transport as the main channel.

21.30 The Committee emphasized the need to ensure that a new output would identify specific actions that were not in conflict with existing international instruments. The Committee also noted the views of some delegations that the illicit trade concept as used by UNCTAD in document FAL 45/21/2 was a broad term, and that further discussion on the scope of work on the subject would be needed.

Role of Rotterdam Rules for safety and facilitation

21.31 The Committee noted document FAL 44/20/2 (CMI), highlighting the role of the Rotterdam Rules in reducing the risk of container fires by requiring greater sharing of information between shippers and carriers, and facilitating electronic commerce, which would better enable operational personnel to have timely access to the information they needed to ensure ship safety.

21.32 Having noted the positive impact on facilitating trade and on the safety of ships, the Committee recognized the importance of the Rotterdam Rules and encouraged Member States to consider ratifying them.

Interference with navigation in the Black Sea, the Sea of Azov and the Kerch Strait

21.33 The Committee noted information provided in document FAL 44/20/3 (Ukraine) on interference with navigation in the Black Sea, the Sea of Azov and the Kerch Strait, together with information provided in document FAL 44/20/4 (Russian Federation) in response to the submission by Ukraine. Relevant statements by Ukraine and the Russian Federation are set out in annex 10.

21.34 The delegations of Portugal (on behalf of the EU members) and the United States made statements supporting Ukraine, as also set out in annex 10. The delegation of the United Kingdom and the EC observer associated themselves with the statements made by the delegations of Portugal and the United States.

International occupational standards for harbour masters

21.35 The Committee considered document FAL 44/INF.2 (IHMA) on the work undertaken to develop international occupational standards for harbour masters, identifying the skills, knowledge and understanding required for harbour masters to work effectively at the ship-port interface and to track their professional development; and agreed that this training would contribute positively to the safe and efficient facilitation of maritime traffic in port waters.

Report on regulatory action to promote access to shore leave for seafarers

21.36 The Committee noted information provided in document FAL 44/INF.3 (United States) on the regulatory action taken to guarantee access through regulated maritime facilities for seafarers and others, such as pilots, representatives of seamen's welfare and labour organizations, including the implementation of a system to provide access between vessels moored at the facility and the facility gate in a timely manner and at no cost to seafarers or other individuals.

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

21.37 The Committee noted that the Secretariat had issued Circular Letter No.3366/Add.1 on 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.

21.38 The Committee noted that the Organization had received only a limited number of responses, from 22 Member States and 1 Associate Member, 8 of which bordered the Indian Ocean, Arabian Sea, Gulf of Aden or Red Sea, and requested Member States to complete and send the questionnaire in MSC-FAL.1/Circ.2 to the Secretariat through marsec@imo.org for posting on the IMO website.

Revised versions of guidelines and recommendations adopted by FAL resolutions

21.39 The Committee recalled that MSC 101, having considered the possibility of adopting revised versions of guidelines and recommendations adopted by MSC resolutions but maintaining the original resolution number with a revised notation, had:

- .1 agreed that amendments to guidelines and recommendations adopted by MSC resolutions could be adopted in the future, if appropriate, as revised versions of such resolutions, maintaining the same number, with the extension "/Rev..." added; and
- .2 invited the committees to take a similar approach in respect of resolutions under their purview, as appropriate.

21.40 The Committee agreed that revised versions of guidelines and recommendations adopted by FAL resolutions could in future be adopted as revised versions of such resolutions, maintaining the same number.

Guidelines for the use of electronic record books under MARPOL and relevant amendments to MARPOL Annexes I, II, V and VI and the NO_x Technical Code 2008

21.41 The Committee noted that MEPC 74 had adopted:

- .1 resolution MEPC.312(74) on *Guidelines for the use of electronic record books under MARPOL*;
- .2 amendments to Annexes I, II and V to the MARPOL Convention related to electronic record books by resolution MEPC.314(74);

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- .3 amendments to Annex VI to the MARPOL Convention related to electronic record books and EEDI regulations for ice-strengthened ships by resolution MEPC.316(74); and
 - .4 amendments to the NO_x Technical Code concerning electronic record books and certification requirements for SCR systems by resolution MEPC.317(74).

Encouragement of cooperation between the port and shipping sectors to reduce GHG emissions from ships

21.42 The Committee noted that MEPC 74 had adopted resolution MEPC.323(74) on *Invitation to Member States to encourage voluntary cooperation between the port and shipping sectors to contribute to reducing GHG emissions from ships*, inviting Member States to promote the consideration and adoption by ports within their jurisdiction of measures to facilitate the reduction of GHG emissions from ships, including onshore power supply (preferably from renewable sources); safe and efficient bunkering of sustainable low- and zero-carbon fuels; incentives promoting sustainable low- and zero-carbon shipping; and support for the optimization of port calls. The resolution includes the concept of just-in-time arrival of ships, which is related to work carried out by EGDH 1 on the data set *Port Logistic Operational Data Related to Just-In-Time Concept*.

List of certificates and documents required to be carried on board ships

21.43 The Committee recalled that FAL 43 had concurred with the decision of MSC 99 to issue a corrigendum 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, i.e. "stability information" and "intact stability booklet".

21.44 The Committee noted that III 6, having considered document III 6/8/2 (Secretariat) providing a list of potential additions and draft amendments to the List, had agreed:

- .1 to reflect the amendments to MARPOL Annex I, II and V, as adopted by resolution MEPC.314(74), Annex VI, as adopted by resolution MEPC.316(74), and the amendments to the NO_x Technical Code 2008, as adopted by resolution MEPC.317(74), so that the issue regarding electronic record books under MARPOL could be addressed comprehensively; and
- .2 to task the Correspondence Group on the Review of the Survey Guidelines under HSSC and the Non-exhaustive List of Obligations under Instruments Relevant to the III Code with further developing the amendments to the List, with a view to submission, in consolidated form, to the committees for approval.

Difficulties in shipments of IMDG class 7 radioactive materials

21.45 The Committee noted that CCC 6 had agreed that training material related to class 7 could be incorporated and enhanced in the existing model course 1.10 on Dangerous, Hazardous and Harmful Cargoes, when an update was initiated, and had instructed the Secretariat to consult IAEA with a view to developing an e-learning model for sea transport.

21.46 The Committee noted that the e-learning model for sea transport was being considered by the Transport Safety Standards Committee (TRANSSC); that the Secretariat had closely cooperated with the IAEA Secretariat and participated in its technical meetings

and working groups to address denial of shipment of IMDG Code class 7 radioactive materials; and that the Committee would be informed about the possible outcomes, as appropriate. The Committee also noted that, in relation to incorporating training material related to class 7 in the existing model course 1.10, the Secretariat planned to enhance the relevant parts when an update was initiated, with a view to further addressing difficulties encountered with the shipment of radioactive materials.

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

22.1 The draft report of the Committee (FAL 45/WP.1/Rev.1) was prepared by the Secretariat for consideration and adoption by the Committee taking into account the provisions of the *Interim guidance to facilitate remote sessions of the Committees during the COVID-19 pandemic* (MSC-LEG-MEPC-TCC-FAL.1/Circ.1).

22.2 In this context, during the virtual meeting held on Monday, 7 June 2021, delegations were given an opportunity to provide comments on the draft report and thereafter, those wishing to further comment on the decisions of the Committee were given a deadline of 15 June 2021, 23:59 (UTC+1) to do so by correspondence.

22.3 After the resolution of comments received as described in document FAL 45/WP.1/Rev.1/Add.1, the report of the Committee was finalized by the Secretariat in consultation with the Chair. The session was closed on 15 June 2021, 23:59 (UTC+1), pursuant to rule 35 of the Rules of Procedure of the Facilitation Committee.

Action requested of other IMO organs

22.4 The Council, at its 125th session, is invited to, as an urgent matter, endorse the holding of an intersessional meeting of the Working Group on Maritime Autonomous Surface Ships in the second half of 2021 (paragraph 1.7).

22.5 The Council, at its thirty-fourth extraordinary session, is invited to:

- .1 consider the report of the forty-fifth 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-second session of the Assembly;
- .2 note the decision to postpone the consideration of agenda items 3, 8, 10, 12, 13, 15, 16, 17 and 18, and the respective documents submitted under those items, to FAL 46 (paragraph 1.6);
- .3 note the decisions taken regarding measures for greater public access to information (paragraphs 2.3 and 19.11);
- .4 note the approval of the amendments to the annex of the FAL Convention for circulation in accordance with article VII(2)(a) of the Convention with a view to adoption at FAL 46 (paragraph 4.17 and annex 1);
- .5 note the approval of the following circulars:
 - .1 FAL.5/Circ.42/Rev.1 on *Revised guidelines for setting up a maritime single window* (paragraph 5.14);

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- .2 FAL.2/Circ.132 on *Guidelines on creating a tool to measure domestic implementation of the FAL Convention* (paragraph 11.6).
- .6 note the decision to develop a GISIS module to replace annex A of FAL.5/Circ.42, to provide updated information on maritime single window and other related single windows that are not maritime single windows implemented by Member States (paragraph 5.15.1);
- .7 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version of the Compendium (section 6);
- .8 note the decision of the Committee to include a new output in the 2022-2023 biennial agenda on "Introduction of the API/PNR concept in maritime transport" (paragraph 19.3);
- .9 note the status report of the outputs for the 2020-2021 biennium and the list of outputs of the Committee for the 2022-2023 biennium (paragraphs 19.5 and 19.6 and annexes 5 and 6, respectively);
- .10 note the post-biennial agenda of the Committee (paragraphs 19.7 and annex 7); and
- .11 endorse the intersessional meetings approved by the Committee for 2022 (paragraph 19.10).

22.6 The Maritime Safety Committee, at its 104th session, is invited to note the report the Committee and, in particular, to:

- .1 note the decision of the Committee to postpone consideration of a number of agenda items, some of which may be of interest to MSC, such as unsafe mixed migration at sea; reports and information on stowaways; reports and information on persons rescued at sea and consideration of descriptions of Maritime Services in the context of e-navigation (paragraph 1.6);
- .2 note the decision of the Committee to establish an intersessional Working Group on Maritime Autonomous Surface Ships to complete the regulatory scoping exercise on the FAL Convention to be held in the second half of 2021, with the mandate, inter alia, to identify gaps and themes that are common with those of other relevant IMO instruments for which the RSE has been finalized (paragraph 1.7);
- .3 note the discussion on the definition of passenger (paragraphs 4.9 and 4.10);
- .4 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version of the Compendium (section 6);
- .5 note the new data sets relevant to the work of MSC to be examined by EGDH with a view to including the data sets in the IMO Compendium by FAL 46 (e.g. data set on verified gross mass (VGM); data set on container inspection programme (CIP); data set on berth locations (S-131 (Marine Harbour Infrastructure)); and data set on terminal codes (child code of UN/LOCODE, IMO Port facility number, SMDG, BIC facility codes and IHO S-131 product specification)) (paragraph 6.26 and annex 2);

- .6 note the decision of the Committee to include a new output in the 2022-2023 biennial agenda on "Introduction of the API/PNR concept in maritime transport" (paragraph 19.3);
- .7 note that the Committee concurrently approved MSC-FAL.1/Circ.3/Rev.1, *Guidelines on maritime cyber risk management* (paragraph 21.14);
- .8 note the discussion on minimum training and education for mooring personnel related to the revised guidelines on minimum training and education for mooring personnel and guidelines for lifting appliances (paragraph 21.17 and 21.22, respectively);
- .9 note that the Committee requested the Secretariat to attend meetings of the WCO Passenger Controls and Facilitation Working Group and report back on developments to future sessions of the Committee (paragraph 21.26.4); and
- .10 note that the Committee requested Member States to complete and keep updated the Questionnaire on information on port and coastal State requirements related to privately contracted armed security personnel on board ships (PCASP) (MSC-FAL.1/Circ.2), to be sent to the Secretariat through marsec@imo.org for posting on the IMO website (paragraph 21.38).

22.7 The Marine Environment Protection Committee, at its seventy-seventh session, is invited to note the report of the Committee and, in particular, to:

- .1 note the decision of the Committee to establish an intersessional Working Group on Maritime Autonomous Surface Ships to complete the regulatory scoping exercise on the FAL Convention to be held in the second half of 2021, with the mandate, inter alia, to identify gaps and themes that are common with those of other relevant IMO instruments for which the RSE has been finalized (paragraph 1.7);
- .2 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version of the Compendium (section 6); and
- .3 note the new data sets relevant to the work of MEPC to be examined by EGDH with a view to including the data sets in the IMO Compendium by FAL 46 (e.g. data set related to ballast water arrival reporting) (paragraph 6.28 and annex 2).

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

- .1 note the technical cooperation initiatives launched during 2021 by IMO to support Member States in implementing maritime single window systems (paragraph 5.4);
- .2 note the progress made by the Committee on the guidance to address maritime corruption, the discussion on the proposal for a new GISIS module on maritime corruption to support technical cooperation activities and the decision to establish a Correspondence Group on Guidance to Address Maritime Corruption (section 14); and

- .3 consider the selected thematic priorities for ITCP for the 2022-2023 biennium (paragraph 21.8 and annex 9).

22.9 The Legal Committee, at its 108th session, is invited to note the report of the Committee and, in particular, to:

- .1 note the decision of the Committee to establish an intersessional Working Group on Maritime Autonomous Surface Ships to complete the regulatory scoping exercise on the FAL Convention to be held in the second half of 2021, with the mandate, inter alia, to identify gaps and themes that are common with those of other relevant IMO instruments for which the RSE has been finalized (paragraph 1.7);
- .2 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version of the Compendium (section 6);
- .3 note the progress made by the Committee on the guidance to address maritime corruption, the discussion on the proposal for a new GISIS module on maritime corruption to support technical cooperation activities and the decision to establish a Correspondence Group on Guidance to Address Maritime Corruption (section 14); and
- .4 note the decision of the Committee to encourage the ratification of the Rotterdam Rules, taking into account its positive impact on facilitating trade (paragraphs 21.31 and 21.32).

ANNEX 1

AMENDMENTS* TO THE ANNEX OF THE FAL CONVENTION

Section 1 – Definitions and general provisions

A. Definitions

For the purpose of the provisions of this annex, the following meanings shall be attributed to the terms listed:

Actual time of arrival (ATA). The date and time when a ship first comes to rest, whether at an anchorage or at a dock, in a port.

Actual time of departure (ATD). The date and time when a ship departs from a location, whether from an anchorage or from a dock, in a port.

Attempted stowaway. A person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the master or any other responsible person, and who is detected on board the ship before it has departed from the port.

Authenticate. To establish and verify a claimed identity of the information provider.

Cargo. Any goods, wares, merchandise and articles of every kind whatsoever carried on a ship, other than mail, ship's stores, ship's spare parts, ship's equipment, cargo transport units not carried under a contract of carriage with a shipper, crew's effects and passengers' accompanied baggage.

Cargo transport unit (CTU). A freight container, swap-body, vehicle, railway wagon or any other similar unit.

Clearance. Accomplishment of customs and/or other formalities necessary to:

- (a) Permit goods to ~~enter home use~~ be imported, to be exported or to be placed under another customs procedure (so called customs clearance),
- (b) Permit persons to enter the territory of a State, or
- (c) Permit a ship to enter or depart a port within the territory of a State.

Crew's effects. Clothing, personal items in everyday use and other articles, which may include currency, belonging to the crew and carried on the ship.

Crew member. Any person ~~actually~~ employed for duties on board during a voyage in the working or service of a ship and included in the ~~Crew~~ List.

* Draft amendments are shown in shaded (new text) and strikethrough (deleted text).

Cruise ship. A ship on an international voyage carrying passengers participating in a group programme and accommodated aboard, for the purpose of making scheduled temporary tourist visits at one or more different ports, and which during the voyage does not normally:

- (a) embark or disembark any other passengers;
- (b) load or discharge any cargo.

Declaration. Information provided by electronic means or, in exceptional circumstances, by non-electronic means to fulfil reporting requirements in accordance with Standard 2.1.

Document. Information presenting data by electronic means or by non-electronic means.

Estimated time of arrival (ETA). Time when a ship estimates it will arrive at the pilot station serving a port or, when it expects to enter a specific location in the port area, where port regulations apply. The date and time when a ship is expected to arrive at a specific geographical position, e.g. a port, an anchorage or a pilot boarding area in the vicinity of the port.

Estimated time of departure (ETD). The date and time when a ship is expected to depart from a specific geographical position, e.g. a port or an anchorage in the vicinity of the port.

Freight container. An article of transport equipment that is of a permanent character and accordingly strong enough to be suitable for repeated use; specially designed to facilitate the transport of goods, by one or other modes of transport, without intermediate reloading; designed to be secured and/or readily handled, having fittings for these purposes, and approved in accordance with the International Convention for Safe Containers (CSC), 1972, as amended. The term "freight container" includes neither vehicle nor packaging; however, a freight container that is carried on a chassis is included.

ISPS Code. The "International Ship and Port Facility Security (ISPS) Code" adopted on 12 December 2002 by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as may be amended by the Organization.

Manifest. Document recapitulating the Summary of various data information from bills of lading and other transport documents issued for the carriage of goods on board ships.

Master. The person having command of a ship.

Passenger in transit. A passenger who arrives by ship from a foreign country for the purpose of continuing his/ or her journey by ship or some other means of transport to a foreign country.

Passengers' accompanied baggage. Property, which may include currency, carried for a passenger on the same ship as the passenger, whether in his/her personal possession or not, so long as it is not carried under a contract of carriage of goods or other similar agreement.

Port. Any port, terminal/facility, offshore terminal, ship and repair yard or roadstead which is normally used for the loading, unloading of cargo, boarding embarkation and disembarkation of passengers, repair and anchoring of ships, or any other place at which a ship can call.

Postal items. Correspondence and other objects Letter-post and parcels, as described in the Acts of the Universal Postal Union currently in force, tendered to be carried by a ship for carriage by postal administrations the designated operator of the country of origin and intended for delivery to postal administrations the designated operator of the country of destination in the ship's ports of call.

Public authorities. The agencies or officials in a State responsible for the application and enforcement of the laws and regulations of that State which relate to any aspect of the Standards and Recommended Practices contained in this annex.

Regulated article. Plant, animal product, food product or plant product, storage place, packaging, conveyance, container, soil and any other organism, object or material capable of harbouring or spreading pests or diseases, deemed to require sanitary or phytosanitary measures, particularly where international maritime transportation is involved.

Release. Action taken by customs authorities to permit goods undergoing clearance to be placed at the disposal of the persons concerned.

Security measures. Measures developed and implemented in accordance with international agreements and national regulations to improve security on board ships, in port areas, facilities and of goods moving in the international supply chain to detect and prevent unlawful acts.

Ship agent. The party representing the ship's owner and/or charterer (the Principal) in port. If so instructed, the agent is responsible to the Principal for arranging, together with the port, a berth, all relevant port and husbandry services, tending to the requirements of the master and crew, clearing the ship with the port and other authorities (including preparation and submission of appropriate documentation) along with releasing or receiving cargo on behalf of the Principal.

Shipowner. ~~One who owns or operates a ship, whether a person, a corporation or other legal entity, and any person other than the ship agent acting on behalf of the owner or operator.~~ The owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship, and any person acting on its behalf, excluding the ship agent.

Ship's documents. Certificates and other documents, including those in electronic form, which must be made available by a ship's master ~~in order~~ to demonstrate the ship's compliance with international or national regulations.

Ship's equipment. Articles, other than ship's spare parts, on board a ship for use thereon, which are removable but not of a consumable nature, including accessories such as lifeboats, life-saving devices, furniture, ship's apparel and similar items.

Ship's spare parts. Articles of a repair or replacement nature for incorporation into the ship in which they are carried.

Ship's stores. Goods for use in the ship, including consumable goods, goods carried for sale to passengers and crew members, fuel and lubricants, but excluding ship's equipment and ship's spare parts.

Shipper. The party named on the bill of lading or waybill as shipper and/or who concludes a contract of carriage (or in whose name or on whose behalf a contract of carriage has been concluded) with a carrier. The shipper is known also as the sender.

Shore leave. Permission for a crew member to be ashore during the ship's stay in port within such geographical or time limits, if any, as may be decided by the public authorities.

Single Window. A facility that allows submission of standardized information covered by the Convention to a single entry point. An environment that allows for the submission or provision of standardized and harmonized information and declarations to a single entry point, typically by electronic means.

Stowaway. A person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the master or any other responsible person and who is detected on board the ship after it has departed from a port, or in the cargo while unloading it in the port of arrival, and is reported as a stowaway by the master to the appropriate authorities.

Temporary admission. The customs procedure under which certain goods can be brought into a customs territory conditionally relieved, totally or partially, from payment of import duties and taxes and without application of import prohibitions or restrictions of economic character; such goods must be imported for a specific purpose and must be intended for re-exportation within a specified period and without having undergone any change except normal depreciation owing to the use made of them.

Time of arrival. Time when a ship first comes to rest, whether at anchor or at a dock, in a port.

Transport document. Information evidencing a contract of carriage between a shipowner and a shipper, such as a sea waybill, a bill of lading or a multimodal transport document.

B. General provisions

In conjunction with paragraph 2 of article V of the Convention, the provisions of this annex shall not preclude public authorities from taking such appropriate measures, including calling for further information, as may be necessary in cases of suspected fraud, or to deal with special problems constituting a grave danger to public order (*ordre public*), public security or public health, such as unlawful acts against the safety of maritime traffic and illicit trafficking in narcotic drugs and psychotropic substances, or to prevent the introduction or spread of diseases and their vectors or pests affecting humans, animals or plants.

1.1 **Standard.** In relation to the formalities, documentary requirements and procedures on the arrival, stay and departure of ships engaged in international voyages, public authorities shall in all cases require only essential the minimum necessary information. to be furnished, and shall keep the number of items data to a minimum

1.1.1 *Not in use.*

1.2 **Recommended Practice.** Notwithstanding the fact that documents for certain purposes may be separately prescribed and required in this annex, public authorities, bearing in mind the interests of those who are required to complete the documents as well as the purposes for which they are to be used, should provide for any two or more such documents that are to be submitted by the same party to be combined into one in any case in which this is practicable and in which an appreciable degree of facilitation would result.

Not in use.

1.3 **Recommended Practice.** Measures and procedures imposed by Contracting Governments for the purposes of security or preventing the trafficking of narcotics should be efficient. Such measures and procedures (e.g. risk management and cross-checking of information) should be implemented in such a manner as to cause a minimum of interference with, and to prevent unnecessary delays to, ships, cargo and persons or property on board.

C. **Systems for the electronic exchange of information**

1.3**bis** **Standard.** Public authorities shall ~~take all necessary measures for the establishment of establish, maintain and use systems for the electronic exchange of information by 8 April 2019.~~

1.3**ter** **Standard.** Public authorities, when introducing or changing systems for the electronic exchange of information to assist clearance processes, shall provide shipowners and other parties concerned with the necessary information about the systems requirements and give an adequate period of transition before the use of the systems are made mandatory. A period of no 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. shall be given for transition to a new system from the time all functional and technical specifications have been published.

Any new or changed system shall be technologically neutral and be compatible with other systems.

1.3**quart** ~~**Recommended Practice Standard.**~~ Public authorities ~~should~~shall, for a during the transitional period referred to in 1.3**ter**, accommodate allow for the submission provision of required information for clearance processes in both electronic and paper form by alternative means.

When introducing new electronic message formats, public authorities shall continue to allow for the usage of existing electronic message formats for a time period to be determined in consultation with the parties concerned.

1.3**quin** ~~**Recommended Practice Standard.**~~ Contracting Governments ~~should encourage~~ Public authorities to shall introduce arrangements to enable the submission provision of all the information required by public authorities in accordance with Standard 2.1 connection with the arrival, stay and departure of ships, persons and cargo, avoiding duplication, to a "single window" by electronic means.

Consideration shall ~~should~~ also be given to such a single window serving as the mechanism through which the public authorities communicate decisions and other information covered by this Convention and other provisions, as appropriate.

1.3**sext** **Standard.** Public authorities shall combine or coordinate the electronic transmission of the data required on the arrival, stay and departure of ships, so as to ensure that information is submitted or provided only once and reused to the maximum extent possible.

1.4 *Not in use.*

1.5 *Not in use.*

1.6 **Standard.** Public authorities, when introducing systems for the electronic exchange of information for clearance processes, shall limit the information they require from shipowners and other parties concerned to that required by the FAL Convention.

Not in use.

1.6**bis** **Standard.** ~~When introducing systems for the electronic exchange of information required by public authorities for the arrival, stay and departure of the ship, persons and cargo to facilitate clearance processes, Contracting Governments shall encourage public authorities and other parties concerned (shipowners, handling companies, seaports, and/or cargo agents, etc.) to exchange data in conformity with the relevant UN Standards, including UN Electronic~~

~~Data Interchange for Administration, Commerce and Transport (UN/EDIFACT) Standards, or other internationally agreed Standards, such as the XML Standard.~~

For the electronic exchange of information to facilitate clearance processes, information required by public authorities for the arrival, stay and departure of the ship, persons and cargo, shall be required to be submitted in conformity with internationally agreed standards, including UN Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT) Standards, the World Customs Organization (WCO) Data Model or International Standards Organization (ISO) Standards, taking into account the guidance developed by the Organization.*

~~1.6ter **Recommended Practice.** When introducing new electronic message formats, public authorities should continue to allow for the usage of existing electronic message formats in agreement with the parties concerned.~~

Not in use

1.7 **Recommended Practice.** When planning for, introducing or modifying systems for the electronic exchange of information for clearance processes, public authorities should:

- (a) afford all interested parties, from the outset, the opportunity for consultation;
- (b) evaluate existing procedures and eliminate those which are unnecessary;
- (c) determine those procedures which are to be ~~computerized~~ digitalized;
- ~~(d) use United Nations (UN) Recommendations, WCO Information Packages and relevant ISO Standards to the maximum extent practicable;~~
- (ed) adapt these systems for multimodal applications;
- ~~(fe)~~ take appropriate steps to minimize the cost of implementing these systems to ~~operators and other private parties~~ all parties concerned; and
- (gf) ~~give attention to the desirability of obtaining~~ endeavour to ensure compatibility and interoperability with other relevant information systems.

1.7.1 **Recommended Practice.** Contracting Governments should encourage public authorities and other parties concerned to cooperate or participate directly in the development of electronic systems using internationally agreed Standards with a view to enhancing the exchange of information relating to the arrival, stay and departure of ships, persons and cargo and assuring interoperability between the systems of public authorities and other parties concerned.

1.8 ~~*Not in use*~~ **Standard.** Electronic transmission of required information shall be accepted from any location as long as the provider of the information has been certified and authenticated pursuant to the applicable requirements. Usage of a service provider in the jurisdiction to which the information is provided may not be required.

1.8.1 ~~*Not in use*~~ **Recommended Practice.** Information regarding certification and authentication requirements should be publicly and electronically available.

* Refer to World Customs Organization's SAFE Framework of Standards to Secure and Facilitate Global Trade.

1.8.2 Standard. Public authorities shall accept the declarations referred to in Standard 2.1 when they are authenticated in a manner acceptable to the public authority concerned.

D. ~~Illicit drug trafficking~~ Illicit activities

1.9 **Recommended Practice.** Public authorities should seek to establish cooperation arrangements with shipowners and other parties concerned to improve their ability to combat illicit activities, including, but not limited to, drug smuggling and the illicit trafficking in wildlife, while providing enhanced facilitation. Such arrangements could be based on the World Customs Organization Memoranda of Understanding, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the associated guidelines.

E. Maritime corruption

1.9**bis Standard.** Contracting Governments shall encourage public authorities to assess the risks of corruption associated with the ship-shore interface in ports and address them by developing and implementing preventive measures to strengthen integrity, transparency and accountability. Public authorities shall also coordinate efforts to detect, investigate and sanction corruption related to ships' calls in the port, through national and international cooperation.

1.10 **Standard.** Where, as part of cooperation arrangements, public authorities, shipowners and other parties concerned are provided access to sensitive commercial and other information, the information shall be treated confidentially.

~~E.~~ F. Control techniques

1.11 **Standard.** Public authorities shall use risk management to enhance their border control procedures related to:

- the release/clearance of cargo;
- security requirements; and
- their ability to target smuggling.

~~thereby facilitating the legitimate circulation of persons and goods.~~

Section 2 – Arrival, stay and departure of the ship

This section contains the provisions concerning the formalities required of shipowners by the public authorities on the arrival, stay and departure of the ship ~~and shall not be read so as to preclude a requirement for the presentation, for inspection by the appropriate authorities, of certificates and other documents made available by the ship pertaining to its registry, measurement, safety, manning and other related matters.~~ To meet the information needs and regulatory requirements of the public authorities, the information to be provided by the shipowner is for ease of comprehension assembled in the declarations presented in this section. The information structured for electronic transmission might not necessarily correlate with these declarations. Specifically, the principles of transmitting once only and maximum reuse of the same information shall apply throughout. Nor do the declarations prejudice the method for making the information available to the public authorities concerned. This section shall not be read to preclude the public authorities from requiring inspection certificates and other documents,

or the information contained in the electronic version of such documents, that must be available on board ship pertaining to its registry, measurement, safety, manning and other related matters.*

A. General

2.1 **Standard.** ~~Public authorities shall not require for their retention, on arrival or departure of ships to which the Convention applies, any documents other than those covered by the present section.~~ Public authorities shall not require on arrival or departure of ships to which the Convention applies any declaration other than those described in this section. These declarations could be transmitted separately or in a combined electronic format according to the message implementation guidelines and the requirements of the electronic data exchange system.†

The ~~documents in question~~ declarations for ship arrival and departure are:

- a) General Declaration
- b) Cargo Declaration
- c) Ship's Stores Declaration
- d) Crew's Effects Declaration
- e) Crew List
- f) Passenger List
- g) Dangerous Goods Manifest
- h) ~~The document required under the Universal Postal Convention for mail~~
The special declaration for postal items as described in the Acts of the Universal Postal Union currently in force‡
- i) Maritime Declaration of Health as set forth by the International Health Regulations§
- j) Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate or extension as set forth by the International Health Regulations**
- k) Security-related information as required under SOLAS regulation XI-2/9.2.2††
- l) Advance electronic cargo information for customs risk assessment purposes as set out in the WCO Safe Framework of Standards

* See 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 and Corr.1).

† The IMO Compendium on Facilitation and Electronic Business, consisting of the IMO Reference Data Model and the IMO Data Set, provides the information needed for the harmonized data transmission and electronic exchange of the information.

‡ Refer to Article 20-001 of the Regulations to the Universal Postal Convention.

§ Refer to Article 37 of the International Health Regulations (2005).

** Refer to Article 39 of the International Health Regulations (2005).

†† The standard data set of security-related information can be found in the *Revised guidance to masters, companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port* (MSC.1/Circ.1305).

- m) Advance Notification Form document for Waste Delivery to Port Reception Facilities, when communicated to the Organization.*

2.1bis Standard. For declarations mentioned in points (a) to (g) of Standard 2.1, public authorities shall not require more than the information shown in appendix 1.

2.1.1 Standard. Contracting Governments shall not require consular formalities, charges or fees in connection with information required documents for the clearance of ships, including the electronic submission of documents, provision of the information.

2.1.2 Standard. Public authorities shall develop procedures for the lodgement provision of pre-arrival and pre-departure information in order to facilitate the processing of such information for the expedited subsequent release/clearance of cargo and persons.

2.1.3 Recommended Practice. National legislation should specify the conditions for the lodgement provision of pre-arrival and pre-departure information. With regard to the point in time of transmission of the pre-arrival information, it should not normally be set before the moment the ship has left the country of departure. However, national legislation could, in addition to the basic rule, also specify the exceptions from this principle where required, e.g. for voyages of short duration.

2.1.3bis Recommended Practice. Public authorities should, for the submission provision of advance electronic cargo information for customs risk assessment purposes, take into account the time limits specified in the WCO SAFE Framework of Standards.

2.1.4 Recommended Practice. Public authorities should not require the lodgement of a separate General Declaration, Cargo Declaration, Crew List, Passenger List and Dangerous Goods Manifest if the data elements contained in these documents are included in the pre-arrival or pre-departure information or in the ship's manifest.

Not in use.

2.1.5 Standard. Public authorities shall reuse the pre-arrival and pre-departure information in subsequent procedures where such data the same information is required in subsequent procedures.

B. Contents and purpose of documents declarations

2.2 Standard. The General Declaration shall be the standard declaration basic document on arrival and departure providing data information required by public authorities relating to the ship.

2.2.1 Recommended Practice. The same form of General Declaration should be accepted for both the arrival and the departure of the ship.

Not in use.

* As prescribed in the *Consolidated guidance for port reception facility providers and users* (MEPC.1/Circ.834/Rev.1).

2.2.2 **Recommended Practice.** In the General Declaration, public authorities should not require more than the following data:

- name, type and IMO number of ship
- call sign
- flag State of ship
- voyage number
- particulars regarding registry
- particulars regarding tonnage
- name of master
- name and contact details of ship's agent
- brief description of the cargo
- number of crew
- number of passengers
- brief particulars of voyage
- date and time of arrival/departure
- port of arrival/departure
- the ship's requirements in terms of waste and residue reception facilities
- last port of call/next port of call.

Not in use.

2.2.3 **Standard.** Public authorities shall accept that the General Declaration is either dated and signed by the master, the ship's agent or some other person duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.

Not in use.

2.3 **Standard.** Without prejudice to Standard 2.3.4, Recommended Practice 2.3.4.1 or advance electronic cargo information requirements for customs risk assessment purposes, the Cargo Declaration shall be the standard basic document declaration on arrival and departure providing data required by public authorities relating to the cargo. However, particulars of any dangerous cargo may also be required to be furnished separately.

2.3.1 **Recommended Practice.** In the Cargo Declaration, public authorities should not require more than the following data:

(a) on arrival

- name and IMO number of ship
- flag State of ship
- name of master
- voyage number
- port of loading
- port where report is made
- freight container identification, where appropriate; marks and numbers; number and kind of packages; quantity and description of the goods or, if available, the Harmonized System (HS) code
- transport document numbers for cargo to be discharged at the port in question
- ports at which cargo remaining on board will be discharged
- original ports of shipment in respect of goods shipped under multimodal transport documents or through bills of lading

(b) on departure

- name and IMO number of ship
- flag State of ship
- name of master
- voyage number
- port of discharge
- in respect of goods loaded at the port in question: freight container identification, where appropriate; marks and numbers; number and kind of packages; quantity and description of the goods or, if available, the Harmonized System (HS) code
- transport document numbers for cargo loaded at the port in question.

Not in use.

2.3.2 **Standard.** In respect of cargo remaining on board, public authorities shall require only brief details of the minimum essential items of information to be furnished provided.

2.3.3 **Standard.** ~~Public authorities shall accept that the Cargo Declaration is either dated and signed by the master, the shipowner issuing the transport document, the ship's agent or some other person duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.~~

Not in use.

2.3.4 **Standard.** ~~Public authorities shall accept in place of the Cargo Declaration accept a copy of the ship's manifest provided it contains at least the information required in accordance with Recommended Practice 2.3.1 and Standard 2.3.2 and is signed or authenticated, and dated, in accordance with Standard 2.3.3.~~ Public authorities shall, in place of the Cargo Declaration, accept the ship's cargo manifest, if it is provided electronically and contains at least the information required by the public authorities in accordance with appendix 1 and Standard 2.3.2 and is authenticated in accordance with Standard 1.8.2.

2.3.4.1 **Recommended Practice.** As an alternative to Standard 2.3.4, public authorities may accept ~~a copy of the transport document, signed or authenticated in accordance with Standard 2.3.3, or certified as a true copy, if the nature and quantity of cargo make this practicable and provided that any data information required and identified it contains at least the information required in accordance with Recommended Practice 2.3.1 and Standard 2.3.2 which does not appear in such documents is also furnished elsewhere and duly certified.~~ Such transport document should be authenticated in accordance with Standard 1.8.2.

2.3.5 **Standard.** ~~Public authorities shall allow unmanifested parcels in possession of the master to be omitted from the Cargo Declaration provided that particulars of these parcels are furnished separately.~~ A new Cargo Declaration shall not be required on departure from a port in respect of cargo which has been the subject of a declaration on arrival in that port and which has remained on board.

2.4 **Standard.** The Ship's Stores Declaration shall be the ~~standard declaration basic document~~ on arrival and departure providing information required by public authorities relating to ship's stores.

2.4.1 **Standard.** ~~Public authorities shall accept that the Ship's Stores Declaration is either dated and signed by the master or by some other ship's officer duly authorized by the master and having personal knowledge of the facts regarding the ship's stores, or authenticated in a manner acceptable to the public authority concerned.~~ **Recommended Practice.** A separate Ship's Stores Declaration on departure should not be required in respect of ship's stores which have been the subject of a declaration on arrival, nor in respect of stores loaded in the port and covered by another customs document presented for the purpose in that port.

2.5 **Standard.** The Crew's Effects Declaration shall be the ~~standard declaration basic document~~ providing information required by public authorities relating to crew's effects upon arrival. It shall not be required on departure.

2.5.1 **Standard.** Public authorities shall accept ~~that the Crew's Effects Declaration when it is either dated and signed by the master or by some other ship's officer duly authorized by the master, or~~ is authenticated in a manner acceptable to the public authority concerned. For the purpose of onboard verification, the public authorities may ~~also~~ require each crew member to ~~sign or~~ verify in a manner acceptable to the public authorities the declaration relating to ~~his/her~~ personal effects.

2.5.2 **Recommended Practice.** Public authorities should normally require particulars of only those crew's effects which would not qualify for relief from customs duties and taxes or which are subject to prohibitions or restrictions.

2.6 **Standard.** The Crew List shall be the standard declaration basic document required by public authorities containing data information relating to the number and composition of the crew on the arrival and departure of a ship.

2.6.1 **Standard.** In the Crew List, public authorities shall not require more than the following data:

- name and IMO number of ship
- flag State of ship
- call sign
- voyage number
- family name
- given names
- nationality
- rank or rating
- gender
- date and place of birth
- nature and number of identity document
- issuing State of identity document
- expiry date of identity document
- port and date of arrival/departure of the ship
- last port of call.

Where public authorities require information about the crew of a ship on its departure from the port, the Crew List declared on arrival at the port shall be accepted on departure, provided it is authenticated in accordance with Standard 1.8.2 to indicate any change in the number or composition of the crew at the time of the ship's departure or to indicate that no such change has occurred during the ship's stay in the port.

2.6.2 **Standard.** Public authorities shall accept that the Crew List is either dated and signed by the master or by some other ship's officer duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.

Not in use.

2.6.3 *Not in use.*

2.6.4 **Recommended Practice.** In cases where a ship, serving in a scheduled programme, calls again at the same port at least once within 14 days and where minor changes in the crew have taken place, public authorities should not normally require a new, full Crew List to be submitted but should accept the existing Crew List with the changes indicated.

Not in use.

2.7 **Standard.** The Passenger List shall be the standard declaration basic document required by public authorities containing the data information relating to passengers on the arrival and departure of a ship.

2.7.1 *Not in use.*

2.7.2 **Recommended Practice.** Public authorities should not require embarkation or disembarkation cards in addition to Passenger Lists in respect of passengers whose names appear on those Lists. However, where public authorities have special problems constituting a grave danger to public health, a person on an international voyage may on arrival be required to give a destination address in writing.

2.7.3 **Standard.** In the Passenger List, public authorities shall not require more than the following data:

- name and IMO number of ship
- call sign
- flag State of ship
- voyage number
- family name
- given names
- nationality
- date of birth
- place of birth
- gender
- type of identity or travel document
- serial number of identity or travel document

- ~~issuing State of identity or travel document~~
- ~~expiry date of identity or travel document~~
- ~~port of embarkation~~
- ~~visa number, if appropriate~~
- ~~port of disembarkation~~
- ~~port and date of arrival/departure of the ship~~
- ~~transit passenger or not.~~

Not in use.

2.7.4 **Recommended Practice.** ~~A list compiled by the shipowners for their own use should be accepted in place of the Passenger List, provided it contains at least the information required in accordance with Standard 2.7.3 and is dated and signed or authenticated in accordance with Standard 2.7.5.~~

Not in use.

2.7.5 **Standard.** ~~Public authorities shall accept that the Passenger List is either dated and signed by the master, the ship's agent or some other person duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.~~

Not in use.

2.8 **Standard.** The Dangerous Goods Manifest shall be the ~~standard declaration basic document~~ providing public authorities with the information regarding dangerous goods.

2.8.1 **Standard.** ~~In the Dangerous Goods Manifest public authorities shall not require more than the following information:~~

- ~~name of ship~~
- ~~IMO number~~
- ~~call sign~~
- ~~voyage number~~
- ~~flag State of ship~~
- ~~port of loading~~
- ~~port of discharge~~
- ~~stowage position~~
- ~~reference number~~

- ~~marks and numbers~~
 - ~~freight container identification No(s).~~
 - ~~vehicle registration No(s).~~
- ~~UN Number~~
- ~~proper shipping name/(Technical Specifications)~~
- ~~class/(subsidiary risk(s))~~
- ~~packing group~~
- ~~additional information/marine pollutant/flash point/etc.~~
- ~~number and kind of packages~~
- ~~mass (kg) or volume (L)~~
- ~~EmS~~
- ~~shipping agent.~~

Not in use.

2.9 **Standard.** Public authorities shall not require on arrival or departure of the ship any ~~written~~ declaration in respect of postal items other than that prescribed in the ~~Universal Postal Convention Acts~~ of the Universal Postal Union currently in force, provided the latter is actually produced. In the absence of such a ~~document~~ declaration, the postal objects (number and weight) must be shown in the Cargo Declaration.

2.10 **Standard.** The Maritime Declaration of Health shall be the ~~basic document~~ standard declaration, which will contain the information ~~containing the data~~ required by public ~~port health~~ authorities on the state of health ~~relating to the state of health~~ on board a ship during the voyage and on arrival at a port.

The Maritime Declaration of Health shall be in accordance with the International Health Regulations. In addition and in accordance with the International Health Regulations,^{*} a valid Ship Sanitation Control Exemption Certificate or Ship Sanitation Control Certificate or extension shall be provided to public authorities to assess the risk of disease on board the ship.

2.10.1 **Standard.** The report of the security-related information shall be the standard declaration providing public authorities with the information regarding the status of the ship's security.[†]

^{*} Refer to Article 39 of the International Health Regulations (2005).

[†] Refer to SOLAS regulation XI-2/9.2.1 and the *Revised guidance to masters, companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port* (MSC.1/Circ.1305).

2.10.2 **Standard.** The Advance Notification document for Waste Delivery to Port Reception Facilities shall be the standard declaration providing public authorities with the information regarding the ship's waste reception needs.*

C. Documents on arrival Use of alternative means of reporting, in exceptional circumstances, where means of electronic reporting are unavailable

2.11 **Standard.** Until the expiration of the transitional period referred to in Standard 1.3ter, public authorities shall in respect of a ship's arrival in port not require more than:

- 5 copies of the General Declaration
- 4 copies of the Cargo Declaration
- 4 copies of the Ship's Stores Declaration
- 2 copies of the Crew's Effects Declaration
- 4 copies of the Crew List
- 4 copies of the Passenger List
- 1 copy of the Dangerous Goods Manifest
- 1 copy of the Maritime Declaration of Health
- 1 copy of the security-related information as required under SOLAS regulation XI-2/9.2.2
- 1 copy of the Advanced Notification Form for Waste Delivery to Port Reception Facilities when communicated to the Organization.

Upon expiration of the transitional period, paper copies shall not be required except in case of force majeure where means of electronic transmission are unavailable.

In exceptional circumstances where means of electronic transmission are unavailable, public authorities shall have readily available alternative reporting means for a ship's arrival and departure. Public authorities shall make public any alternative reporting means available, to the extent possible.†

D. Documents on departure

2.12 **Standard.** Until the expiration of the transitional period referred to in Standard 1.3ter, public authorities shall in respect of a ship's departure from port not require more than:

- 5 copies of the General Declaration
- 4 copies of the Cargo Declaration

* Refer to the *Consolidated guidance for port reception facility providers and users* (MEPC.1/Circ.834/Rev.1) for the information on the Waste Delivery in Port.

† See appendix 2 for declarations that may be required in paper form by the public authorities in exceptional circumstances.

- ~~3 copies of the Ship's Stores Declaration~~
- ~~2 copies of the Crew List~~
- ~~2 copies of the Passenger List~~
- ~~1 copy of the Dangerous Goods Manifest.~~

~~Upon expiration of the transitional period, paper copies shall not be required except in case of force majeure where means of electronic transmission are unavailable.~~

~~Not in use.~~

~~2.12.1 **Standard.** A new Cargo Declaration shall not be required on departure from a port in respect of cargo which has been the subject of a declaration on arrival in that port and which has remained on board.~~

~~Not in use.~~

~~2.12.2 **Recommended Practice.** A separate Ship's Stores Declaration on departure should not be required in respect of ship's stores which have been the subject of a declaration on arrival, nor in respect of stores shipped in the port and covered by another customs document presented for the purpose in that port.~~

~~Not in use.~~

~~2.12.3 **Standard.** Where public authorities require information about the crew of a ship on its departure from the port, one of the copies of the Crew List presented on arrival at the port shall be accepted on departure, provided it is signed again by the master or an officer duly authorized by him/her, and endorsed or authenticated in a manner acceptable to the public authority concerned, to indicate any change in the number or composition of the crew at the time of the ship's departure or to indicate that no such change has occurred during the ship's stay in the port.~~

~~Not in use.~~

~~2.13 *Not in use.* **Recommended Practice.** A paper list compiled by the shipowners for their own use should be accepted in place of a paper Passenger List, provided it contains at least the information required in accordance with appendix 1.~~

~~Public authorities should likewise accept in place of a paper Cargo Declaration a paper copy of the ship's manifest or of the transport documents, provided they contain at least the information required in accordance with appendix 1.~~

~~2.13.1 **Standard.** *If in case of exceptional circumstances public authorities determine that the only option available for transmitting the declarations provided for in this annex is in paper form, they shall accept documents conveyed by any legible and understandable medium, including documents handwritten in ink or indelible pencil or produced by the use of information technology.*~~

E D. Consecutive calls at two or more ports in the same State

2.14 **Standard.** Taking into account the procedures carried out on the arrival of a ship at the first port of call in the territory of a State, shipowners shall only be obligated to ~~submit~~ **declare** required information once to the public authorities of a State. The formalities and documents required by the public authorities at any subsequent port of call in that country visited without intermediate call at a port in another country shall be kept to a minimum.

F E. Completion of ~~documents~~ **declarations**

2.15 **Recommended Practice.** Public authorities should as far as possible accept the ~~documents~~ **declarations** provided for in this annex, except as regards Standard 3.7, irrespective of the language in which the required ~~data information~~ is made available ~~furnished~~ **thereon**, provided that they may require a written or oral translation into one of the official languages ~~of their country or~~ of the Organization when they deem it necessary.

2.16 **Standard.** ~~If public authorities require documents in paper form, they shall accept documents conveyed by any legible and understandable medium, including documents handwritten in ink or indelible pencil or produced by the use of information technology.~~

Not in use.

2.16.1 **Standard.** ~~Public authorities shall accept a signature, when required, in handwriting, in facsimile, perforated, stamped, in symbols, by made by any other mechanical or electronic means consistent, if such acceptance is not inconsistent with national laws. The authentication of information submitted on non-paper via electronic media shall be in a manner that is acceptable to the public authority concerned and which facilitates the electronic submission of the information by the parties concerned irrespective of their residence.~~

2.17 **Standard.** Public authorities of the country of any intended port of arrival, discharge or transit shall not require any ~~documents~~ **declaration** relating to the ship, its cargo, stores, passengers or crew, as mentioned in this section, to be legalized, verified, authenticated or previously dealt with by any of their representatives abroad. This shall not be deemed to preclude a requirement for the presentation of a passport or other identity document of a passenger or crew member for visa or similar purposes.

GF. Errors and amendments in ~~documentation~~ **declarations and penalties therefor**

2.18 **Standard.** Public authorities shall, without delaying the ship, allow correction of errors in a ~~document~~ **declaration** provided for in this annex which they are satisfied are inadvertent, not of a serious nature, not due to recurrent carelessness and not made with intent to ~~violate~~ laws or regulations, on the condition that these errors are discovered before the ~~document~~ **declaration** is fully checked and the corrections can be effected without delay.

2.19 **Standard.** If errors are found in the ~~data~~ **information** transmitted ~~as provided for in appendix 1 of this annex, which has been signed~~ **authenticated** by or on behalf of a shipowner or master, ~~or otherwise authenticated,~~ no penalties shall be imposed until an opportunity has been given to satisfy the public authorities that the errors were inadvertent, not of a serious nature, not due to recurrent carelessness and not made with intent to violate the laws or regulations of the port State.

2.19**bis** **Standard.** Public authorities shall allow for amendments to information already submitted in accordance with applicable laws and regulations.

H G. *Special measures of facilitation for ships calling at ports in order to put ashore sick or injured crew members, passengers, persons rescued at sea or other persons for emergency medical treatment*

2.20 **Standard.** Public authorities shall seek the cooperation of shipowners to ensure that, when ships intend to call at ports for the sole purpose of putting ashore sick or injured crew members, passengers, persons rescued at sea or other persons for emergency medical treatment, the master shall give the public authorities as much notice as possible of that intention, with the fullest possible details of the sickness or injury and of the identity of the persons.

2.21 **Standard.** Public authorities shall, by the fastest channels available, inform the master, before the arrival of the ship, of the documentation and the procedures necessary to put the sick or injured persons ashore expeditiously and to clear the ship without delay.

2.22 **Standard.** With regard to ships calling at ports for this purpose and intending to leave again immediately, public authorities shall give priority in berthing if the state of the sick person or the sea conditions do not allow a safe disembarkation in the roads or harbour approaches.

2.23 **Standard.** With regard to ships calling at ports for this purpose and intending to leave again immediately, public authorities shall not require the ~~documents~~ declarations mentioned in Standard 2.1 with the exception of the Maritime Declaration of Health, and, if it is indispensable, the General Declaration. Public authorities shall in such situations waive the time limits, ~~for the submission of the documents~~ and any applicable penalties, ~~for the provision of the declarations.~~

2.24 **Standard.** ~~With regard to ships calling at ports for this purpose and where public authorities require the General Declaration, this document declaration shall not contain more data information than those mentioned in Recommended Practice 2.2.2 appendix 1 and, wherever possible, shall contain less.~~

2.25 **Standard.** Where ~~the~~ public authorities apply control measures related to the arrival of a ship prior to sick or injured persons being put ashore, emergency medical treatment and measures for the protection of public health shall take precedence over these control measures.

2.25bis **Standard.** The public authorities under the International Health Regulations* shall advise the shipowner as far in advance as possible of their intent to apply public health control measures to a ship, and shall provide, where available, written information concerning the methods employed.

2.26 **Standard.** Where guarantees or undertakings are required in respect of costs of treatment or eventual removal or repatriation of the persons concerned, emergency medical treatment shall not be withheld or delayed while these guarantees or undertakings are being obtained.

2.27 **Standard.** ~~Emergency medical treatment and measures for the protection of public health shall take precedence over any control measures which public authorities may apply to sick or injured persons being put ashore.~~
Not in use.

* Refer to the International Health Regulations (2005), Article 22(1)(d).

Section 3 – Arrival and departure of persons

This section contains the provisions concerning the formalities required by public authorities from crew and passengers on the arrival or departure of a ship.

A. Arrival and departure requirements and procedures

3.1 **Standard.** A valid passport shall be the basic identification document providing public authorities with information relating to the individual passenger on arrival or departure of a ship.

3.1.1 **Recommended Practice.** Contracting Governments should as far as possible agree, by bilateral or multilateral agreements, to accept official documents of identity in lieu of passports.

3.2 **Standard.** Public authorities shall make arrangements whereby passports, or official documents of identity accepted in their place, from ship's passengers need be inspected by the immigration authorities only once at the time of arrival and once at the time of departure. In addition, these passports or official documents of identity may be required to be produced for the purpose of verification or identification in connection with customs and other formalities on arrival and departure.

3.3 **Standard.** After individual presentation of passports or official documents of identity accepted in their place, public authorities shall hand back such documents immediately after examination rather than withholding them for the purpose of obtaining additional control, unless there is some obstacle to the admission of a passenger to the territory.

3.3.1 **Standard.** Each Contracting Government shall ensure that the public authorities seize fraudulent, falsified or counterfeit travel documents of inadmissible persons. Such documents shall be removed from circulation and returned to the appropriate authorities when practicable. In place of a seized document, a covering letter shall be issued by the removing State and attached to it will be a photocopy of the forged travel documents, if available, as well as any important information. The covering letter and its attachment shall be handed over to the operator responsible for the removal of the inadmissible person. It will serve to give information to the authorities at the transit and/or the original point of embarkation.

3.3.2 **Standard.** Contracting Governments shall accept for examination a person being returned from his or her point of disembarkation after having been found inadmissible if this person had embarked in their territory. Contracting Governments shall not return such a person to the country where he or she was earlier found to be inadmissible.

3.3.3 **Standard.** Before passengers and crew are accepted for examination as to their admissibility into the State, responsibility for their custody and care shall remain with the shipowner.

3.3.4 **Recommended Practice.** After acceptance of passengers and crew for examination, whether conditional or unconditional and if the persons concerned are under the physical control of the public authorities, the public authorities should be responsible for their custody and care until they are admitted for entry or are found to be inadmissible.

3.3.5 **Standard.** The obligation of a shipowner to transport any person away from the territory of a State shall terminate from the moment such a person has been definitely admitted into that State.

3.3.6 **Standard.** Where a person is found to be inadmissible, the public authorities shall, without unreasonable delay, inform the shipowner and consult the shipowner regarding the arrangements for removal. The shipowner is responsible for the costs of stay and removal of an inadmissible person and, in the case where the person is transferred back to the custody of the shipowner, the shipowner shall be responsible for effecting his or her prompt removal to:

- the country of embarkation; or
- to any other place where the person is admissible.

3.3.7 **Standard.** Contracting Governments and shipowners shall cooperate, where practicable, to establish the validity and authenticity of passports and visas.

3.4 **Recommended Practice.** Public authorities should not require from embarking or disembarking passengers, or from shipowners on their behalf, any information in writing supplementary to or repeating that already presented in their passports or official documents of identity, other than as necessary to complete any **documents declaration** provided for in this annex.

3.5 **Recommended Practice.** Public authorities which require written supplementary information, other than as necessary to complete any **documents declaration** provided for in this annex, from embarking or disembarking passengers should limit requirements for further identification of passengers to the items set forth in Recommended Practice 3.6 (embarkation/disembarkation card). Public authorities should accept the embarkation/disembarkation card when completed by the passenger and should not require that it be completed or checked by the shipowner. Legible handwritten script should be accepted on the card, except where the form specifies block lettering. One copy only of the embarkation/disembarkation card, which may include one or more simultaneously prepared carbon copies, should be required from each passenger.

3.6 **Recommended Practice.** In the embarkation/disembarkation card, public authorities should not require more than the following information:

- family name
- given names
- nationality
- number and expiry date of passport or other official identity document
- date of birth
- place of birth
- occupation
- port of embarkation/disembarkation
- gender
- destination address
- signature.

3.7 **Standard.** ~~In cases where evidence of protection against yellow fever is required from persons on board a ship, public authorities shall accept the International Certificate of Vaccination or Re-Vaccination in the forms provided for in the International Health Regulations.~~

A traveller in possession of an International Certificate of Vaccination or Prophylaxis that conforms to the International Health Regulations* containing proof of vaccination against yellow fever shall not be treated as suspect, even if coming from an area where the World Health Organization has determined that a risk of yellow fever transmission is present.

The list of countries and territories requiring proof of yellow fever vaccination and the countries at risk of yellow fever is available on WHO's public website.†

3.8 **Recommended Practice.** Medical examination of persons on board or of persons disembarking from ships should normally be limited to those persons ~~arriving from an area infected with quarantinable diseases within the incubation period of the disease concerned (as stated in the International Health Regulations).~~ Additional for whom there is evidence of an imminent public health risk. Such examinations ~~may, however be required~~ should be carried out in accordance with the national law and relevant articles of the International Health Regulations.‡

3.9 **Recommended Practice.** Public authorities should normally perform customs inspections of inbound passengers' accompanied baggage on a sampling or selective basis. Written declarations in respect of passengers' accompanied baggage should be dispensed with as far as possible.

3.9.1 **Recommended Practice.** Public authorities should, wherever possible, waive inspections of accompanied baggage of departing passengers, with due regard to the possible need to impose appropriate security measures preferably by automated means to facilitate review.

3.9.2 **Recommended Practice.** Where inspection of accompanied baggage of departing passengers cannot be waived completely, such inspection should normally be performed on a sampling or selective basis.

3.10 **Standard Recommended Practice.** Among the official documents of identity a Contracting Government should agree to accept in lieu of a passport, per Recommended Practice 3.1.1, as a basic document providing public authorities with information relating to the individual member of the crew on arrival or departure of a ship, is ~~A passport or an identity document issued in accordance with relevant ILO Conventions,§ or else a valid and duly recognized seafarer's identity document shall be the basic document providing public authorities with information relating to the individual member of the crew on arrival or departure of a ship.~~

* Refer to Model in annex 6 of the International Health Regulations (2005).

† <https://www.who.int/ith/ith-yellow-fever-annex1.pdf?ua=1>

‡ Refer to the International Health Regulations (2005), Article 31(2).

§ Refer to ILO C108 and C185 on Seafarers' Identity Documents Convention.

3.10.1 **Standard.** In the seafarer's identity document, public authorities shall not require more than the following information:

- family name
- given names
- gender
- date and place of birth
- nationality
- physical characteristics
- photograph (authenticated)
- signature
- date of expiry (if any)
- issuing public authority.

3.10.2 Standard Recommended Practice. Contracting Governments are encouraged to enter into agreements to accept from seafarers in place of a passport a valid seafarer's identity document, when this document guarantees the readmission of the bearer to the country which issued the document. Such agreements may provide for acceptance of a valid seafarer's identity card by public authorities to include instances when it is necessary for a seafarer to enter or leave a country as a passenger by any means of transportation for the purpose of:

- (a) joining his or her ship or transferring to another ship; and
- (b) passing in transit to join his or her ship in another country, or for repatriation, or for any other purpose approved by the authorities of the country concerned.

~~public authorities shall accept from that seafarer in place of a passport the valid seafarer's identity document, when this document guarantees the readmission of the bearer to the country which issued the document.~~

3.10.3 **Recommended Practice.** Public authorities of a Contracting Government recognizing a seafarer's identity document as an alternative to a passport should not normally require presentation of individual identity documents or of information supplementing the seafarer's identity document in respect of members of the crew other than that given in the Crew List.

B. Measures to facilitate clearance of passengers, crew and baggage

3.11 **Recommended Practice.** Public authorities should, with the cooperation of shipowners and port authorities and/or port administration, take appropriate measures to the end that satisfactory port traffic flow arrangements may be provided so that passengers, crew and baggage can be cleared rapidly, should provide adequate personnel, and should ensure that adequate installations are provided, particular attention being paid to baggage loading, unloading and conveyance arrangements (including the use of mechanized systems) and to points where passenger delays are frequently found to occur. Arrangements should be made, when

necessary, for passage under shelter between the ship and the point where the passenger and crew check is to be made. Such arrangements and installations should be flexible and capable of expansion to meet increased security measures during higher security levels.

3.11.1 Recommended Practice. Public authorities should:

- (a) in cooperation with shipowners and port authorities, introduce suitable arrangements, such as:
 - (i) an individual and continuous method of processing passengers and baggage;
 - (ii) a system which would permit passengers readily to identify and obtain their checked baggage as soon as it is placed in an area where it may be claimed; and
 - (iii) ensuring that facilities and services are available to meet the needs of elderly and disabled passengers;
- (b) ensure that port authorities take all necessary measures so that:
 - (i) easy and speedy access for passengers and their baggage, to and from local transport, is provided; and
 - (ii) if crews are required to report to premises for governmental purposes, those premises should be readily accessible, and as close to one another as practicable.

3.11.2 Recommended Practice. Public authorities should consider, as a means of ensuring prompt clearance, the introduction of the dual-channel system for the clearance of passengers, and their baggage and private road vehicles.

3.12 Standard. Public authorities shall require that shipowners ensure that ship's personnel take all appropriate measures which will help expedite arrival procedures for passengers and crew. These measures may include:

- (a) furnishing public authorities concerned with an advance message giving the best estimated time of arrival (ETA), followed by information as to any change in time, and stating the itinerary of the voyage where this may affect inspection requirements;
- (b) having ship's documents ready for prompt review;
- (c) providing for ladders or other means of boarding to be rigged while the ship is en route to berth or anchorage; and
- (d) providing for prompt, orderly assembling and presentation of persons on board, with necessary documents, for inspection, with attention to arrangements for relieving crew members for this purpose from essential duties in engine-rooms and elsewhere.

3.13 **Recommended Practice.** The practice of entering names on passenger and crew documents should be to put the family name or names first. ~~Where both paternal and maternal family names are used, the paternal family name should be placed first. Where for married women both the husband's and wife's paternal family names are used, the husband's paternal family name should be placed first.~~

3.14 **Standard.** Public authorities shall, without unreasonable delay, accept persons present on board a ship for examination as to their admissibility into the State.

3.15 **Recommended Practice.** Public authorities should not impose unreasonable or disproportionate fines upon shipowners, in the event that any control document in possession of a passenger is found by public authorities to be inadequate, or if, for that reason, the passenger is found to be inadmissible to the State.

3.15.1 **Standard.** Public authorities shall encourage shipowners to take precautions at the point of embarkation with a view to ensuring that passengers are in possession of any control documents prescribed by the receiving or transit States.

3.15.2 **Standard.** When a person is found to be inadmissible and is removed from the territory of the State, the shipowner shall not be precluded from recovering, from such a person, any costs arising from his or her inadmissibility.

3.15.3 **Recommended Practice.** For use at marine port terminals and on board ships in order to facilitate and expedite international maritime traffic, public authorities should implement or, where the matter does not come within their jurisdiction, recommend responsible parties in their country to implement standardized international signs and symbols developed or accepted by the Organization in cooperation with other appropriate international organizations and which, to the greatest extent practicable, are common to all modes of transport.

C. Special facilities for marine transport of elderly and disabled passengers

3.16 **Recommended Practice.** Measures should be taken to ensure that all necessary information on transport and safety is readily available for passengers who have impaired hearing or vision.

3.17 **Recommended Practice.** For elderly and disabled passengers being set down or picked up at a port terminal building, reserved points should be located as close as possible to main entrances. These should be clearly marked with appropriate signs. Access routes should be free of obstacles.

3.18 **Recommended Practice.** Where access to public services is limited, every effort should be made to provide accessible and reasonably priced public transportation services by adapting current and planned services or by providing special arrangements for passengers who have impaired mobility.

3.19 **Recommended Practice.** Provisions of suitable facilities should be made in port terminals and on ships, as appropriate, to allow safe embarkation and disembarkation for elderly and disabled passengers.

D. Facilitation for ships engaged on cruises and for cruise passengers

3.20 **Standard.** Public authorities shall authorize granting of pratique by electronic means to a cruise ship when, on the basis of information received from it prior to its arrival, the health authority for the intended port of arrival is of the opinion that its arrival will not result in the introduction or spread of a **quarantinable disease or any other significant public health risk**.

3.21 **Recommended Practice.** For cruise ships, the General Declaration, the Passenger List and the Crew List should be required only at the first port of arrival and final port of departure in a country, provided that there has been no change in the circumstances of the voyage.

3.22 **Standard.** For cruise ships, the Ship's Stores Declaration and the Crew's Effects Declaration shall be required only at the first port of arrival in a country.

3.23 **Standard.** Passports or other official documents of identity shall at all times remain in the possession of cruise passengers.

3.24 **Recommended Practice.** If a cruise ship stays at any port within the Contracting Government's territory for less than 72 hours, it should not be necessary for cruise passengers to have visas, except in special circumstances determined by the public authorities concerned.

3.25 **Standard.** Cruise passengers shall not be unduly delayed by the control measures exercised by public authorities.

3.26 **Standard.** In general, except for security purposes and for the purposes of establishing identity and admissibility, cruise passengers shall not be subject to personal examination by public authorities responsible for immigration control.

3.27 **Standard.** If a cruise ship calls consecutively at more than one port in the same country, passengers shall, in general, be examined by public authorities at the first port of arrival and at the final port of departure only.

3.28 **Recommended Practice.** To facilitate their prompt disembarkation, the inward control of passengers on a cruise ship, where practicable, should be carried out on board before arrival at the place of disembarkation.

3.29 **Recommended Practice.** Cruise passengers who disembark at one port and rejoin the same ship at another port in the same country should enjoy the same facilities as passengers who disembark and rejoin a cruise ship at the same port.

3.30 **Recommended Practice.** The Maritime Declaration of Health should be the only health control necessary for cruise passengers.

3.31 **Standard.** Duty-free ship's stores shall be allowed aboard ship for cruise passengers during the ship's stay in port **in accordance with national law**.

3.32 **Standard.** Cruise passengers shall not normally be required to provide a written declaration for their personal effects. However, in the case of articles which involve a high amount of customs duties and other taxes and charges, a written declaration and a security may be required.

3.33 **Recommended Practice.** Cruise passengers should not be subject to any currency control.

3.34 **Standard.** Embarkation/disembarkation cards shall not be necessary for cruise passengers.

3.35 *Not in use.*

E. Special measures of facilitation for passengers in transit

3.36 **Standard.** A passenger in transit who remains on board the ship on which he or she arrived and departs with it shall not normally be subjected to routine control by public authorities except in extraordinary circumstances determined by the public authorities concerned.

3.37 **Recommended Practice.** A passenger in transit should be allowed to retain his or her passport or other identity document.

3.38 **Recommended Practice.** A passenger in transit who remains on board the ship on which he or she arrived and departs with it should not be required to complete a disembarkation/ embarkation card.

3.39 **Recommended Practice.** A passenger in transit who is continuing his or her journey from the same port in the same ship should normally be granted temporary permission to go ashore during the ship's stay in port if he/she so wishes subject to the public authorities' admissibility and visa requirements.

3.40 **Recommended Practice.** A passenger in transit who is continuing his or her journey from the same port in the same ship **and does not wish to go ashore** should not be required to have a visa, except in special circumstances determined by the public authorities concerned.

3.41 **Recommended Practice.** A passenger in transit who is continuing his/her journey from the same port in the same ship should not normally be required to give a written Customs Declaration.

3.42 **Recommended Practice.** A passenger in transit who leaves the ship at one port and embarks in the same ship at a different port in the same country should enjoy the same facilities as a passenger who arrives and departs in the same ship at the same port.

F. Measures of facilitation for ships engaged in scientific services

3.43 **Recommended Practice.** A ship engaged in scientific services carries personnel who are necessarily engaged on the ship for such scientific purposes of the voyage. If so identified, such personnel should be granted facilities at least as favourable as those granted to the crew members of that ship.

G. Further measures of facilitation for foreigners belonging to the crews of ships engaged in international voyages – shore leave

3.44 **Standard.** Crew members shall be allowed ashore by the public authorities while the ship on which they arrive is in port, provided that the formalities on arrival of the ship have been fulfilled and the public authorities have no reason to refuse permission to come ashore for reasons of public health, public safety **and security** or public order. Shore leave shall be allowed in a manner which excludes discrimination such as on the grounds of nationality, race, colour, sex, religion, political opinion, or social origin and irrespective of the flag State of the ship on which they are employed, engaged or work.

3.44**bis Standard.** In any case where permission for shore leave has been refused, the relevant public authorities shall communicate their reasons for shore leave denial to the seafarer concerned and the master. If requested by the seafarer concerned or the master, such reasons shall be provided in writing.

3.45 **Standard.** Crew members shall not be required to hold a visa for the purpose of shore leave.

3.46 **Recommended Practice.** Crew members, before going on or returning from shore leave, should not normally be subjected to personal checks.

3.47 **Standard.** Crew members shall not be required to have a special permit, e.g. a shore leave pass, for the purpose of shore leave.

3.48 **Recommended Practice.** If crew members are required to carry documents of identity with them when they are on shore leave, these documents should be limited to passports or, if applicable, identity documents accepted by the relevant Contracting Government in lieu of a passport, as mentioned in ~~Standard~~ Recommended Practice 3.10.

3.49 **Recommended Practice.** Public authorities should provide a system of pre-arrival clearance to allow the crew of ships which call regularly at their ports to obtain advance approval for temporary shore leave. Where a ship has no adverse immigration record and is locally represented by a shipowner or a ~~reputable agent of the shipowner~~ ship agent, the public authorities should normally, after satisfactory consideration of such pre-arrival particulars as they may require, permit the ship to proceed directly to its berth and be subject to no further routine immigration formalities, unless otherwise required by the public authorities.

Section 4 – Stowaways

A. General Principles

4.1 **Standard.** The provisions in this section shall be applied in accordance with international protection principles as set out in international instruments, such as the UN Convention relating to the Status of Refugees of 28 July 1951 and the UN Protocol relating to the Status of Refugees of 31 January 1967, and relevant national legislation.

4.2 **Standard.** Public authorities, port authorities, shipowners and masters shall cooperate to the fullest extent possible in order to prevent stowaway incidents and to resolve stowaway cases expeditiously and securely, so that an early return or repatriation of the stowaways will take place. All appropriate measures shall be taken in order to avoid situations where stowaways must stay on board ships for ~~an unreasonable amount~~ a significant period of time.

4.2.1 **Recommended Practice.** Public authorities, ports, shipowners or masters should not give any payments, or other benefits to the stowaways, beyond the minimal requirements to ensure the security, general health, welfare and safety of the stowaways while on board or on shore, as that might act as an incentive to reoffend or as an encouragement to other persons attempting to stow away on board ships.

B. Preventive measures

4.3 Ship/Port preventive measures

4.3.1 Port/terminal authorities

4.3.1.1 **Standard.** Contracting Governments shall ensure that the necessary infrastructure, and operational and security arrangements for the purpose of preventing persons attempting to stowaway on board ships from gaining access to port installations and to ships, are established in all their ports, taking into consideration when developing these arrangements the size of the port, and what type of cargo is shipped from the port. This should be done in close cooperation with relevant public authorities, shipowners and shoreside entities, with the aim of preventing stowaway occurrences in the individual port.

4.3.1.2 **Recommended Practice.** Operational arrangements and/or port facility security plans should at least be equivalent to those contained in the relevant text of section B/16 of the ISPS Code.*

4.3.1.3 **Recommended Practice.** All cases of stowaways detected in port while attempting to board a ship or ships should be reported to the appropriate port authorities, which will inform all nearby ships. Ships should follow the guidance of the appropriate port and law enforcement authorities.

Any procedures should be conducted in such a manner as to cause a minimum of interference and to prevent unnecessary delays to ships.

4.3.2 Shipowner/Master

4.3.2.1 **Standard.** Contracting Governments shall require that shipowners and masters, as well as other responsible persons have security arrangements in place which, as far as practicable, will prevent intending stowaways from getting aboard the ship, and, if this fails, as far as practicable, will detect them before the ship leaves port.

4.3.2.2 **Recommended Practice.** When calling at ports and during stay in ports, where there is risk of stowaway embarkation, operational arrangements and/or ship security plans should at least be equivalent to those contained in the relevant text of paragraph B/9 of the ISPS Code.

4.3.2.3 **Standard.** Contracting Governments shall require that ships entitled to fly their flag, except passenger ships, when departing from a port, where there is risk of stowaway embarkation, have undergone a thorough search in accordance with a specific plan or schedule, and with priorities given to places where stowaways might hide taking into account the specific ship type and its operations. Search methods which are likely to harm secreted stowaways shall not be used.

4.3.2.4 **Standard.** Contracting Governments shall require that fumigation or sealing of ships entitled to fly their flag may not be carried out until a search which is as thorough as practicable of the areas to be fumigated or sealed has taken place in order to ensure that no stowaways are present in those areas. Such searches should take place as early as possible, as referenced in the ISPS Code,[†] and after all cargo operations have finished.

4.3.2.5 **Recommended Practice.** Contracting Governments are encouraged to ensure the use of appropriate non-intrusive means and technologies or measures to detect stowaways.

* ISPS Code: The International Ship and Port Facility Security Code adopted on 12 December 2002 by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as may be amended by the Organization.

[†] Refer to paragraph B/8.9 of the ISPS Code.

4.3.2.6 Recommended Practice. Contracting Governments should consider entering into arrangements for exchange of information and best practices regarding detection of stowaways. The confidentiality and integrity of the information collated and shared should be ensured. The use of the information should be for official purposes only. However, Contracting Governments should also consider sharing relevant information to the extent necessary and as appropriate with shipowners and other parties to prevent future stowaway incidents.

4.3.3 National sanctions

4.3.3.1 Recommended Practice. Where appropriate, Contracting Governments should be encouraged to incorporate into their national legislation legal grounds to allow prosecution of stowaways, attempted stowaways and any individual or company aiding a stowaway or an attempted stowaway with the intention to facilitate access to the port area, any ship, cargo or freight containers.

C. Treatment of the stowaway while on board

4.4 General principles – Humane treatment

4.4.1 Standard. Stowaway incidents shall be dealt with in a manner consistent with humanitarian principles, including those mentioned in Standard 4.1. Due consideration must always be given to the operational safety and security of the ship and the safety and well-being of the crew, the stowaways and any other persons present on board.

4.4.2 Standard. Contracting Governments shall require that shipowners and masters operating ships entitled to fly their flag take appropriate measures to ensure the security, general health, welfare and safety of the stowaway while he/she is on board, including providing him or her with adequate provisioning, accommodation, proper medical attention and sanitary facilities.

4.5 Work on board

4.5.1 Standard. Stowaways shall not be permitted to work on board the ship, except in emergency situations or in relation to the stowaway's accommodation and provisioning on board.

4.6 Questioning and notification by the master

4.6.1 Standard. Contracting Governments shall require masters to take practicable steps to establish the identity, including nationality/citizenship of the stowaway and the port of embarkation of the stowaway, and to notify the existence of the stowaway along with relevant details to the public authorities of the first planned port of call. This information shall also be provided to the shipowner, public authorities at the port of embarkation, the flag State and, if necessary, subsequent ports of call.

4.6.2 Recommended Practice. When gathering relevant details for notification, masters should use the form document as specified in appendix 3.

4.6.3 Standard. Contracting Governments shall instruct shipowners and masters operating ships entitled to fly their flag that when a stowaway declares himself or herself to be a refugee or an asylum seeker, this information shall be treated as confidential to the extent necessary for the security of the stowaway. When stowaways declare themselves to be a refugee or an asylum seeker, information regarding the declaration or intention of the stowaway shall not be shared with public authorities of the stowaway's country of origin or of habitual residence.

4.7 Notification to the International Maritime Organization

4.7.1 **Standard.** Contracting Governments Public authorities shall report all stowaway incidents of which they become aware to the Secretary-General of the International Maritime Organization, taking into account the relevant guidelines of the Organization.*

D. Deviation from the planned route

4.8 **Standard Recommended Practice.** Contracting Governments and their Public authorities shall-should urge recommend all shipowners operating ships entitled to fly their flag to ~~instruct~~ advise their masters not to deviate from the planned voyage to seek the disembarkation of stowaways discovered on board the ship after it has left the territorial waters of the country where the stowaways embarked, unless:

- permission to disembark the stowaways has been granted by the public authorities of the State to whose port the ship deviates; or
- repatriation has been arranged elsewhere with sufficient documentation and permission for disembarkation; or
- there are extenuating safety, security, health or compassionate reasons; or
- attempts to disembark in other ports on the planned voyage have failed and deviation is necessary in order to avoid that the stowaways remain on board for a significant period of time.

Irrespective of whether or not a ship deviates from the planned route, the disembarkation of stowaways who declare themselves to be a refugee or an asylum seeker should not be conducted in their (alleged) country of origin or any other country from which they have fled and in which they claim a risk of harm.

E. Disembarkation and return of a stowaway

4.9 The State of the first port of call according to the voyage plan

4.9.1 **Standard.** Public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall decide in accordance with national legislation whether the stowaway is admissible to that State and shall do their utmost to cooperate with the parties involved in resolving the issue.

4.9.2 **Standard.** Public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall allow disembarkation of the stowaway, when the stowaway is in possession of valid travel documents for return, and the public authorities are satisfied that timely arrangements have been or will be made for repatriation and all the requisites for transit fulfilled.

4.9.3 **Standard.** Public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall allow disembarkation of the stowaway when the public authorities are satisfied that they or the shipowner will obtain valid travel documents, make timely arrangements for repatriation of the stowaway, and fulfil all the requisites for transit. Public authorities shall, further, favourably consider allowing disembarkation of the stowaway, when it is impracticable for the stowaway to remain on the ship or other factors exist which would preclude the stowaway remaining on the ship. Such factors may include, but are not limited to, when:

* Refer to *Information on stowaway incidents* (FAL.2/Circ.50/Rev.3).

- a case is unresolved at the time of sailing of the ship; or
- the presence on board of the stowaway would endanger the safe operation of the ship, the health of the crew, other persons present on board or the stowaway.

4.10 Subsequent ports of call

4.10.1 **Standard.** When disembarkation of a stowaway has failed in the first scheduled port of call after discovery of the stowaway, public authorities of subsequent ports of call shall examine the stowaway as for disembarkation in accordance with Standards 4.9.1, 4.9.2 and 4.9.3.

4.11 State of nationality or right of residence

4.11.1 **Standard.** Public authorities shall in accordance with international law accept the return of stowaways with full nationality/citizenship status or accept the return of stowaways who in accordance with their national legislation have a right of residence in their State.

4.11.2 **Standard.** Public authorities shall, ~~when possible,~~ assist in determining the identity and nationality/citizenship of stowaways claiming to be a national or having a right of residence in their State. Where possible, the local embassy, consulate or other diplomatic representation of the country of the stowaway's alleged nationality will be required to assist in verifying the stowaway's nationality and providing emergency travel documentation.

4.11.3 Recommended Practice.

Contracting Governments should establish cooperation mechanisms with other States, including through their embassies, in determining the nationalities of stowaways, to mutually understand and resolve the true facts of each case.

4.12 State of embarkation

4.12.1 **Standard.** When it has been established to their satisfaction that stowaways have embarked a ship in a port in their State, public authorities shall accept for examination such stowaways being returned from their point of disembarkation after having been found inadmissible there. The public authorities of the State of embarkation shall not return such stowaways to the country where they were earlier found to be inadmissible.

4.12.1.1 Recommended Practice. The designated authority of the port where the stowaways embarked should undertake an investigation into how the stowaways managed to gain access to the ship and consider modifying security provisions, as appropriate, and thereafter provide feedback to the appropriate public authority at the port of disembarkation.

4.12.2 **Standard.** When it has been established to their satisfaction that attempted stowaways have embarked a ship in a port in their State, public authorities shall accept disembarkation of attempted stowaways, and of stowaways found on board the ship while it is still in their territorial waters or if applicable according to the national legislation of that State in the area of immigration jurisdiction of that State. No penalty or charge in respect of detention or removal costs shall be imposed on the shipowner.

4.12.3 **Standard.** When an attempted stowaway has not been disembarked at the port of embarkation, he/she is to be treated as a stowaway in accordance with the regulation of this section.

4.13 The flag State

4.13.1 **Standard.** The public authorities of the flag State of the ship shall assist and cooperate with the master/shipowner ~~or~~ and the appropriate public authority at ports of call in:

- identifying the stowaway and determining his/her nationality;
- making representations to the relevant public authority to assist in the removal of the stowaway from the ship at the first available opportunity; and
- making arrangements for the removal or repatriation of the stowaway.

4.14 Return of stowaways

4.14.1 **Recommended Practice.** When a stowaway has inadequate documents, public authorities should, whenever practicable and to an extent compatible with national legislation and security requirements, issue a covering letter with a photograph of the stowaway and any other important information or, alternatively, a suitable travel document accepted by the public authorities involved. The covering letter, authorizing the return of the stowaway either to his/her country of origin or to the point where the stowaway commenced his/her journey, as appropriate, by any means of transportation and specifying any other conditions imposed by the authorities, should be handed over to the operator affecting the removal of the stowaway. This letter will include information required by the authorities at transit points and/or the point of disembarkation.

4.14.2 **Recommended Practice.** Public authorities in the State where the stowaway has disembarked should contact the relevant public authorities at transit points during the return of a stowaway, in order to inform them of the status of the stowaway. In addition public authorities in countries of transit during the return of any stowaway should allow, subject to normal visa requirements and national security concerns, the transit through their ports and airports of stowaways travelling under the removal instructions or directions of public authorities of the country of the port of disembarkation.

4.14.3 **Recommended Practice.** When a port State has refused disembarkation of a stowaway, that State should, without undue delay, notify the flag State of the ship carrying the stowaway of the reasons for refusing disembarkation.

In accordance with Standard 4.6.3, the flag State should not be notified if stowaways declare themselves to be a refugee or an asylum seeker and the flag State is their (alleged) country of origin from which they have fled and in which they claim a risk of harm.

4.15 Cost of return and maintenance of stowaways

4.15.1 **Recommended Practice.** The public authorities of the State where a stowaway has been disembarked should ~~generally~~ inform the shipowner on whose ship the stowaway was found, ~~as far as practicable,~~ of the level of cost of detention and return and any additional costs for the documentation of the stowaway, if the shipowner is to cover these costs. In addition, public authorities should cooperate with the shipowner to keep such costs to a minimum as far as practicable and according to national legislation, if they are to be covered by the shipowner.

4.15.2 **Recommended Practice.** The period during which shipowners are held liable to defray costs of maintenance of a stowaway by public authorities in the State where the stowaway has been disembarked should be kept to a minimum.

4.15.3 **Standard.** Public authorities shall, according to national legislation, consider mitigation of penalties against ships where the master of the ship has properly declared the existence of a stowaway to the appropriate authorities in the port of arrival, and has shown that all reasonable preventive measures had been taken to prevent stowaways gaining access to the ship.

4.15.4 **Recommended Practice.** Public authorities should, according to national legislation, consider mitigation of other charges that might otherwise be applicable, when shipowners have cooperated with the ~~control~~ competent authorities to the satisfaction of those authorities in measures designed to prevent the transportation of stowaways.

Section 5 – Arrival, stay and departure of cargo and other articles

This section contains the provisions concerning the formalities required by public authorities from the shipowner, his/her agent or the master of the ship.

A. General

5.1 **Recommended Practice.** Public authorities should, with the cooperation of shipowners, port authorities and port facilities and terminals, take appropriate measures to ensure that port time may be kept to a minimum, ~~should provide satisfactory port traffic flow arrangements~~, and should frequently review all procedures in connection with the arrival and departure of ships, including arrangements for embarkation and disembarkation, loading and unloading, servicing and the like and the security measures associated therewith. They should also make arrangements whereby cargo ships and their ~~loads~~ cargoes can be entered and cleared, insofar as may be practicable, at the ship working area.

5.2 **Recommended Practice.** Public authorities should, with the cooperation of shipowners, port authorities and port facilities and terminals, take appropriate measures to ensure that satisfactory port traffic flow arrangements are provided so that handling and clearance procedures for cargo will be smooth and uncomplicated. These arrangements should cover all phases from the time the ship arrives at the dock for unloading and public authority clearance, and also free zones, storage facilities, warehousing and onward movement of cargo if required. There should be convenient and direct access between the free zone, storage facilities and cargo warehouse and the public authority clearance area, which should be located close to the dock area with, whenever possible, easy access and transfer capabilities and infrastructure.

5.3 **Recommended Practice.** Public authorities should encourage owners and/or operators of ~~marine cargo port~~ terminals to equip them with storage facilities for special cargo (e.g. valuable goods, perishable shipments, human remains, radioactive and other dangerous goods, as well as live animals), as appropriate; those areas of ~~marine cargo port~~ terminals in which general and special cargo and postal items are stored prior to shipment by sea or importation should implement access control measures at least equivalent to those contained in the relevant text of paragraph B/16 of the ISPS Code.

5.3**bis** **Recommended Practice.** Public authorities should require only a minimum of data necessary for the identification of the cargo that is to be placed in storage prior to release for ~~or~~ re-export or importation, and should, whenever available, use the information contained in the pre-arrival declaration for this purpose, ~~provided that it has been provided in a timely and complete manner.~~

5.4 **Standard.** A Contracting Government which continues to require export, import and transshipment licences or permits for certain types of goods shall establish simple procedures whereby such licences or permits can be obtained and renewed rapidly.

5.5 **Recommended Practice.** When the nature of a consignment could attract the attention of different agencies authorized to carry out inspections, such as customs and veterinary or sanitary controllers, Contracting Governments should authorize either customs or one of the other agencies to carry out the required procedures or, where that is not feasible, take all necessary steps to ensure that such inspections are carried out simultaneously at one place and with a minimum of delay and whenever possible carried out ~~upon~~ with prior coordination with the party having custody of the consignment.

5.6 **Recommended Practice.** Public authorities should provide simplified procedures for the prompt clearance of private gift packages and trade samples not exceeding a certain value or quantity which should be set at as high a level as possible.

B. Clearance of cargo

5.7 **Standard.** Public authorities shall, subject to compliance with any national prohibitions or restrictions and any measures required for port security or the prevention of trafficking of narcotics, grant priority clearance to live animals, perishable goods and other consignments of an urgent nature.

5.7.1 **Recommended Practice.** In order to protect the quality of goods awaiting clearance, public authorities should, in collaboration with all the concerned parties, take all measures to permit practical, safe and reliable storage of goods at the port.

5.8 **Recommended Practice.** Contracting Governments should facilitate the temporary admission of specialized cargo-handling equipment arriving by ships and used on shore at ports of call for loading, unloading and handling cargo.

5.9 *Not in use.*

5.10 **Recommended Practice.** Public authorities should provide procedures for the clearance of cargo based on the relevant provisions of and associated guidelines to the *International Convention on the simplification and harmonization of Customs procedures* – the revised Kyoto Convention.

5.10.1 **Recommended Practice.** Public authorities should introduce simplified procedures for authorized persons allowing:

- (a) release of the goods on the provision of the minimum information necessary to identify the goods, to accurately identify and assess risk as it relates to concerns such as health, safety and security, and permit the subsequent completion of the final goods declaration;
- (b) clearance of the goods at the declarant's premises or another place authorized by the relevant public authority; and
- (c) ~~submission~~ provision of a single goods declaration for all imports or exports in a given period where goods are imported or exported frequently by the same person.

5.11 **Standard.** Public authorities shall limit physical interventions to the minimum necessary to ensure compliance with applicable law.

5.12 **Recommended Practice.** Public authorities should, on the basis of a valid request, conduct physical examinations of cargo, where necessary, at the point where it is loaded into its means of transport and while loading is in progress, either at the dockside or, in the case of unitized cargo, at the place where the freight container is packed and sealed.

5.13 **Standard.** Public authorities shall ensure that requirements for collection of statistics do not significantly reduce the efficiency of maritime trade.

5.14 **Recommended Practice.** Public authorities should use systems for the electronic exchange of information ~~for the purposes of obtaining information~~ in order to accelerate and simplify storage, clearance and re-export processes.

5.14.1 **Recommended Practice.** Public authorities should ~~facilitate and terminate~~ as quickly as possible the transit procedure covering goods from another State awaiting loading.

C. Freight containers and pallets

5.15 **Standard.** Public authorities shall, in conformity with their respective regulations, permit the temporary admission of freight containers, pallets and freight container equipment and accessories that are affixed to the container or are being transported separately without payment of customs duties and other taxes and charges and shall facilitate their use in maritime traffic.

5.16 **Recommended Practice.** Public authorities should provide in their regulations, referred to in Standard 5.15, for the acceptance of a simple declaration to the effect that temporarily imported freight containers, pallets and freight container equipment and accessories will be re-exported within the time limit set by the State concerned. Such declaration may take the form of an oral declaration or any other act acceptable to the authorities.

5.17 **Standard.** Public authorities shall permit freight containers, pallets and freight container equipment and accessories entering the territory of a State under the provisions of Standard 5.15 to depart the limits of the port of arrival for clearance of imported cargo and/or loading of export cargo under simplified control procedures and with a minimum of documentation.

5.18 **Standard.** Contracting Governments shall permit the temporary admission of component parts of freight containers without payment of customs duties and other taxes and charges when these parts are needed for the repair of freight containers already admitted under the terms of Standard 5.15.

D. Cargo not discharged at the port of intended destination

5.19 **Standard.** Where any cargo ~~listed~~ identified on the Cargo Declaration is not discharged at the port of intended destination, public authorities shall permit amendment of the Cargo Declaration and shall not impose penalties if satisfied that the cargo was not in fact loaded on the ship, or, if loaded, was landed or is to be landed at another port.

5.20 **Standard.** When, by error or for another valid reason, any cargo is discharged at a port other than the port of intended destination, public authorities shall facilitate reloading or onward movement to its intended destination. This provision does not apply to prohibited or restricted cargo.

E. Limitation of shipowner's responsibilities

5.21 **Standard.** Public authorities shall not require a shipowner to place special information for use of such authorities on a transport document or a copy thereof, unless the shipowner is, or is acting for, the importer or exporter.

5.22 **Standard.** Public authorities shall not hold the shipowner responsible for the presentation or accuracy of documents which are required of the importer or exporter in connection with the clearance of cargo, unless the shipowner is, or is acting for, the importer or exporter.

5.23 **Standard.** The shipowner shall be obliged to provide the information regarding the entry or exit of goods known to the shipowner at the time of loading providing such data and as set out in the transport document that evidences the bill of lading is or evidences the contract of carriage. Thus, the shipowner can base the lodgement provision of the information on data provided by the shipper customer, unless the shipowner has reason to believe that the data provided is untrue.

5.24 **Recommended Practice.** Public authorities should implement regulations pursuant to which the person who initiates and contractually agrees with a party (e.g. a consolidator, a freight forwarder or a shipowner) for the carriage of a maritime cargo shipment to the territory of another State must provide complete and accurate cargo shipment information to that party.

Section 6 – Public health and quarantine, including sanitary measures for animals and plants

A. General

6.1 **Standard.** Public authorities of a State not Party to the International Health Regulations shall endeavour to apply the relevant provisions for of these Regulations relevant for to international shipping.

6.1.1 **Standard.** Public authorities of a State not Party to the standards and regulations set out by the World Organisation for Animal Health and the International Plant Protection Convention shall endeavour to apply the provisions of these standards and regulations relevant for international shipping.

6.2 **Recommended Practice.** Contracting Governments having certain interests in common owing to their health, geographical, social or economic conditions should conclude special arrangements pursuant to ~~article 85~~ the International Health Regulations* when such arrangements will facilitate the application of those Regulations, in particular, but not exclusive to:

- (a) the direct and rapid exchange of public health information between neighbouring territories of different States;
- (b) the health measures to be applied to international coastal traffic and to international traffic in waters under their sovereignty and jurisdiction;
- (c) the health measures to be applied in contiguous territories of different States at their common frontier;
- (d) arrangements for carrying affected persons or affected human remains by means of transport specially adapted for the purpose; and
- (e) deratting, disinsection, disinfection, decontamination or other treatment designed to render goods and ship free of disease-causing agents.

* Refer to Article 57 of the International Health Regulations (2005).

6.3 **Recommended Practice.** Where Sanitary or Phytosanitary Certificates or similar documents are required in respect of shipments of certain animals, plants or derived food products thereof or other regulated articles that could transmit pests or diseases, requests by public authorities for such certificates and documents and their required content should be technically justified, exact and concise simple and widely publicized, and Contracting Governments should cooperate with a view to harmonizing standardizing such requirements, including the possibility to provide the required information by electronic means.

6.4.1 **Standard.** Public authorities shall seek the cooperation of shipowners to ensure compliance with any requirements, including those in the International Health Regulations,* that illness on a ship is to be reported promptly by electronic means to health authorities for the port for which the ship is destined, in order to facilitate provision for the presence of any special medical personnel and equipment necessary for health procedures on arrival.

~~6.4.1 **Recommended Practice.** Public authorities should authorize granting of free pratique by electronic means to a ship when, on the basis of information received from it prior to its arrival, the health, sanitary and phytosanitary authorities for the intended port of arrival is of the opinion that its arrival will not result in the introduction or spread of a quarantinable diseases. Competent Health authorities should as far as practicable be allowed to join a ship prior to entry of the ship into port.~~

6.4.1 **Standard.** Ships shall not be refused free pratique by Contracting Governments (public health authorities) for public health reasons; in particular, they shall not be prevented from embarking or disembarking, discharging or loading cargo or stores, or taking on fuel, water, food and supplies. Contracting Governments may subject the granting of free pratique to inspection and, if a source of infection or contamination is found on board, the carrying out of necessary disinfection, decontamination, disinsection or deratting, or other measures necessary to prevent the spread of the infection or contamination.

6.4.2 **Recommended Practice.** Subject to a public health risk assessment, public authorities may require on arrival or departure inspection of baggage, cargo, containers, ships, goods, postal parcels and human remains, subject to applicable international agreements and relevant articles of the International Health Regulations,† duly taking into account Recommended Practice 5.5.

6.5 **Standard.** Public authorities shall make arrangements to enable all travel agencies and others concerned to make available to passengers, sufficiently in advance of departure, lists of the vaccinations or prophylaxis required by the public authorities of the countries concerned, as well as vaccination certificate forms the International Certificate of Vaccination or Prophylaxis conforming to the International Health Regulations. Public authorities shall take all possible measures to have vaccinators use the International Certificate of Vaccination or Re-Vaccination Prophylaxis in order to assure uniform acceptance.

6.6 **Recommended Practice.** Public authorities should provide facilities for the completion of the International Certificates of Vaccination or Re-Vaccination Prophylaxis as well as facilities for vaccination at as many ports convenient locations as feasible.

6.7 **Standard.** Public health authorities shall ensure that sanitary health and phytosanitary measures and health formalities are initiated forthwith, completed without delay, and applied without discrimination.

* Refer to Articles 28(4) and 28(5) of the International Health Regulations (2005).

† Refer to Article 23 of the International Health Regulations (2005).

6.8 **Recommended Practice.** To ensure, ~~inter alia~~, efficient maritime traffic, public authorities should maintain at as many ports as feasible adequate facilities for the administration of public health, animal and ~~agricultural~~ plant quarantine measures.

6.8**bis** **Standard.** Contracting Governments and relevant authorities shall ensure that ship's crew who require immediate medical care while in their territory are given access to medical facilities ashore and that ship's crew are able to replenish their medication during a ship's call.

6.9 **Standard.** There shall be maintained readily available at as many ports in a State as feasible such medical facilities as may be reasonable and practicable for the emergency treatment of crews and passengers.

6.9**bis** **Recommended Practice.** Contracting Governments and relevant authorities should facilitate prompt and efficient disembarkation of crew to receive medical care at medical facilities ashore, including access to medical prescriptions, and should ensure that this is effectively managed through good communication and cooperation between the ship and the relevant authorities ashore.

6.9**ter** **Recommended Practice.** Contracting Governments and relevant authorities should ensure that ship's crew are promptly admitted to clinics and hospitals ashore, without difficulty and irrespective of nationality, religious belief or flag of their ship, and, whenever possible, arrangements should be made to ensure, when necessary, the continuation of treatment to supplement the medical facilities available to ship's crew.

6.10 **Standard.** ~~Except in the case of an emergency constituting a grave danger to public health, a ship which is not infected or suspected of being infected with a quarantinable disease shall not, on account of any other epidemic disease, be prevented by the health authorities for a port from discharging or loading cargo or stores or taking on fuel or water.~~

~~Except in the case of an emergency constituting a grave danger to public, plant or animal health, a ship shall not, on account of any other public, plant or animal health reason, be prevented by the public authorities for a port from discharging or loading cargo or ship's stores.~~

B. Response to a public health emergency of international concern*

6.11 **Recommended Practice.** ~~Shipments of animals, animal raw materials, crude animal products, animal foodstuffs and quarantinable plant products should be permitted in specified circumstances and when the certification requirements have been met at the time of discharge.~~
Standard. Contracting Governments and their relevant authorities shall, to the greatest extent possible, allow ships and ports to remain fully operational, in order to maintain complete functionality of supply chains during a public health emergency of international concern in line with the International Health Regulations and any relevant recommendations of WHO.

6.12 **Recommended Practice.** Contracting Governments and their relevant authorities should facilitate the continuing operation of shipping, and ports under their jurisdiction, to allow the transport of marine cargoes so that supply chains are not disrupted and to allow the global economy to continue to function during a public health emergency of international concern.

6.13 **Recommended Practice.** Contracting Governments and their relevant authorities, when implementing policies and measures to protect public health, should also avoid the introduction of unnecessary interference to ship and port operations, including the movement of ship's crew for the purposes of crew changes, repatriation and travel of crews, as well as the wider functionality of port ecosystems (terminals, warehouses, rail and trucking services, etc.) during a public health emergency of international concern.

* Defined and determined in accordance with the International Health Regulations (2005).

6.14 **Recommended Practice.** Contracting Governments and their relevant authorities, when implementing policies and measures to protect public health, should engage with appropriate stakeholders within their national shipping and ports sectors to discuss coordination and arrangements, and any contingencies to secure continued facilitation of maritime trade, including port hinterland connections, during a public health emergency of international concern.

6.15 **Standard.** Public authorities shall provide ships with relevant information, where available, about the applicable public health measures, prior to arrival at a port or anchorage in its territory, to enable ships to implement their relevant plans and procedures and to provide their crews with the necessary guidance.

6.16 **Recommended Practice.** Contracting Governments and their relevant authorities are encouraged to provide ships visiting ports or anchorages in their territory with information related to the public health emergency of international concern, including on recommended health protection measures based on scientific or medical advice (e.g. on standard infection prevention measures, personal protective equipment (PPE) and cleaning and disinfection procedures).

6.17 **Recommended Practice.** Without prejudice to the relevant Articles of the International Health Regulations (2005),* Contracting Governments and their relevant authorities should request the masters of ships visiting ports or anchorages in their territory:

- a) to report any cases of illness or symptoms on board, related to the public health emergency of international concern, using the Maritime Declaration of Health in accordance with the International Health Regulations, as early as possible before arrival, to the relevant authority in the port;
- b) to monitor shipboard personnel regularly, while the ship is visiting ports or anchorages in their territory, for the exhibition of any symptoms; and
- c) to report any changes in circumstances of the health of shipboard personnel to the relevant authority in the port.

6.18 **Standard.** Contracting Governments and their relevant authorities shall ensure to the greatest extent possible a safe ship-shore interface during a public health emergency of international concern.

6.19 **Recommended Practice.** Contracting Governments and their relevant authorities should assess any risks to ships and ports during a public health emergency of international concern and ensure they are effectively managed through good communication and cooperation between relevant authorities ashore and the ship.

6.20 **Recommended Practice.** Contracting Governments and their relevant authorities should also ensure that policies and measures to protect public health do not obstruct the provision of essential services to ships, including the delivery of provisions, supplies or spare parts during the public health emergency of international concern.

6.21 **Recommended Practice.** Contracting Governments and their relevant authorities should take account of recommendations of the Organization relevant to ensuring to the greatest extent possible a safe ship-shore interface between ship and shore-based personnel.

* Refer to Articles 24, 25, 27 and 28 and other relevant provisions of the International Health Regulations (2005).

6.22 **Standard.** Contracting Governments and their relevant authorities shall ensure that port workers and ship's crew, regardless of their nationality or flag of their ship, when in their territory, are designated as key workers (or equivalent) providing an essential service during a public health emergency of international concern.

6.23 **Standard.** Contracting Governments and their relevant authorities shall, in accordance with relevant international maritime regulations,^{*} continue to facilitate ship's crew changes to the greatest extent possible, including the travel and repatriation of crew, during a public health emergency of international concern applying appropriate public health measures, as well as to ensure access to visas in accordance with the applicable national legislation and procedures.

6.24 **Recommended Practice.** Contracting Governments and their relevant authorities should take account of recommendations of the Organization[†] relevant to the facilitation of crew changes and travel by ship's crew during a public health emergency of international concern.

Section 7 – Miscellaneous provisions

A. Bonds and other forms of security

7.1 **Recommended Practice.** Where public authorities require bonds or other forms of security from shipowners to cover liabilities under the customs, immigration, public health, agricultural quarantine or similar laws and regulations of a State, they should permit the use of a single comprehensive bond or other form of security wherever possible.

B. Services at ports

7.2 **Recommended Practice.** The normal services of public authorities at a port should be provided without charge during normal working hours. Public authorities should establish normal working hours for their services at ports consistent with the usual periods of substantial workload.

7.3 **Standard.** Contracting Governments shall adopt all practicable measures to organize the normal services of public authorities at ports in order to avoid unnecessary delay of ships after their arrival or when ready to depart and reduce the time for completion of formalities to a minimum, provided that sufficient notice of estimated time of arrival (ETA) or departure (ETD) shall be given to the public authorities.

7.4 **Standard.** No charge shall be made by a health authority for any medical examination, or any supplementary examination, whether bacteriological or otherwise, carried out at any time of the day or night, if such examination is required to ascertain the health of the person examined, nor for visit to and inspection of a ship for quarantine purposes except inspection of a ship for the issue of a Ship Sanitation Control Certificate or Ship Sanitation Control Exemption Certificate or extensions thereto, nor shall a charge be made for any vaccination of a person arriving by ship nor for a certificate thereof. However, where measures other than these are necessary in respect of a ship or its passengers or crew and charges are made for them by a health authority, such charges shall be made in accordance with a single tariff which shall be uniform to the territory concerned and ~~they shall be levied without~~

^{*} Including the Maritime Labour Convention, 2006 (MLC, 2006).

[†] Refer to the *Industry recommended framework of protocols for ensuring safe ship crew changes and travel during the coronavirus (COVID-19) pandemic* (MSC.1/Circ.1636/Rev.1).

distinction as to the nationality, domicile or residence of any person concerned or as to the nationality, flag, registry or ownership of the ship every charge shall:

- (a) conform to this tariff;
- (b) not exceed the actual cost of the service rendered;
- (c) be levied without distinction as to nationality, domicile or residence of any person concerned or as to the flag, registry or ownership of the ship.

The tariff, and any amendment thereto, shall be published at least 10 days in advance of any levy thereunder.

7.5 **Recommended Practice.** When the services of public authorities are provided outside the regular working hours referred to in Recommended Practice 7.2, they should be provided on terms which shall be moderate reasonable and not exceed the actual cost of the services rendered.

7.6 **Standard.** Where the volume of traffic at a port warrants, public authorities shall ensure that sufficient services are provided for the accomplishment of the formalities in respect of both cargo and baggage, regardless of value or type.

7.7 **Recommended Practice.** Contracting Governments should endeavour to make arrangements whereby one Government will permit another Government certain facilities before or during the voyage to examine ships, passengers, crew, baggage, cargo and documentation for customs, immigration, public health, plant and animal quarantine purposes when such action will facilitate clearance upon arrival in the latter State.

C. Emergency assistance

7.8 **Standard.** Public authorities shall facilitate the arrival and departure of ships engaged in:

- public health response activities;
- disaster relief work;
- the rescue of persons in distress at sea in order to provide a place of safety for such persons;
- the combating or prevention of marine pollution; or
- other emergency operations designated to enhance maritime safety, the safety of life at sea, the safety of the population or the protection of the marine environment.

7.9 **Standard.** Public authorities shall, to the greatest extent possible, facilitate the entry and clearance of persons, cargo, material and equipment required to deal with situations described in Standard 7.8.

7.9.1 **Recommended Practice.** In the situations described in Standard 7.8, public authorities should not require the declarations mentioned in Standard 2.1 with the exception of, if it is indispensable, the General Declaration. Public authorities should in such situations waive the time limits and any applicable penalties for the provision of the declaration.

7.10 **Standard.** Public authorities shall grant prompt customs clearance of specialized equipment needed to implement safety and security measures.

D. National facilitation committees

7.11 **Recommended Practice.** Each Contracting Government should consider establishing, in close cooperation with the maritime industry, a national maritime transport facilitation programme based on the facilitation requirements of this annex and ensure that the objective of its facilitation programme should be to adopt all practical measures to facilitate the movement of ships, cargo, crews, passengers, mail and stores, by removing unnecessary obstacles and delays.

7.12 **Recommended Practice.** Each Contracting Government should establish a national maritime transport facilitation committee or a similar national coordinating body, for the encouragement of the adoption and implementation of facilitation measures, between governmental departments, agencies and other organizations concerned with, or responsible for, various aspects of international maritime traffic, as well as port authorities, port facilities and port terminals and shipowners.

APPENDIX 1*

The maximum information that may be required by public authorities for the declarations (Standard 2.1bis)

Data	General Declaration	Cargo Declaration	Ship's Stores Declaration	Crew's Effects Declaration	Crew List	Passenger List	Dangerous Goods Manifest
Arrival or departure	Tick Box	Tick Box	Tick Box		Tick Box	Tick Box	
Authentication date	23	10	12	9	18	19	16.1
Authenticator location							16.1
Authenticator name	23	10	12	9	18	19	16
Authenticator role	23	10	12	9	18	19	16
Brief particulars of voyage	11						
Cargo brief description	12						
Cargo item description of goods		7					
Cargo item gross volume		9					
Cargo item gross weight		8					
Cargo item HS code		7					
Cargo item marks and numbers		6					7
Cargo item number of packages		7					
Cargo item package type		7					
Certificate of registry issue date	7						
Certificate of registry number	7						

* The numbers in the columns indicate the numbers assigned to the corresponding data boxes in the paper-based FAL declarations.

Data	General Declaration	Cargo Declaration	Ship's Stores Declaration	Crew's Effects Declaration	Crew List	Passenger List	Dangerous Goods Manifest
Crew effect quantity on board				7			
Crew effects description				7			
Crew effects sequence number				3			
Crew member rank or rating				6	9		
Dangerous goods additional information							12
Dangerous goods EmS number							15
Dangerous goods flashpoint							12
Dangerous goods IMO hazard class							10
Dangerous goods marine pollutant type							12
Dangerous goods mass							14
Dangerous goods number of packages							13
Dangerous goods package type							13
Dangerous goods packing group							11
Dangerous goods proper shipping name							9
Dangerous goods shipper's reference number							6
Dangerous goods subsidiary risks, coded							10
Dangerous goods technical specifications							9
Dangerous goods UNDG number							8
Dangerous goods volume							14

Data	General Declaration	Cargo Declaration	Ship's Stores Declaration	Crew's Effects Declaration	Crew List	Passenger List	Dangerous Goods Manifest
Date and signature by master, authorized agent or officer	8	10	12	9	18	19	16
Date and time of arrival, actual	3		3		3	3	
Date and time of arrival, estimated	3		3		3	3	
Date and time of departure, actual	3		3		3	3	
Date and time of departure, estimated	3		3		3	3	
Last port of call	6		5		5		
Measurement unit		7 8 9	6 9	7			12 13 14
Name and contact details of ship's agent	8						16
Name of master	5	4					
Next port of call	6		5				
Number of crew	13						
Number of passengers	14						
Number of persons on board			6				
Passenger in transit indicator						18	
Passenger port of disembarkation						17	
Passenger port of embarkation						15	
Passenger visa number						16	
Person country of birth					12	9	
Person date of birth					11	8	
Person family name				4	7	5	
Person gender					13	10	

Data	General Declaration	Cargo Declaration	Ship's Stores Declaration	Crew's Effects Declaration	Crew List	Passenger List	Dangerous Goods Manifest
Person given name				5	8	6	
Person identity or travel document expiry date					17	14	
Person identity or travel document issuing nation					16	13	
Person identity or travel document number					15	12	
Person identity or travel document type					14	11	
Person nationality					10	7	
Person on board sequence number					6		
Person place of birth name					12	9	
Person type					18	19	
Port of arrival	2		2		2	2	
Port of departure	2		2		2	2	
Port of discharge		5					4
Port of loading		5					3
Port of registry			8				
Port period of stay			7				
Previous port of call	11						
Remarks	15						
Ship call sign	1.3		1.3	1.3	1.3	1.3	1.3
Ship flag State	4	3	4	2	4	4	2
Ship gross tonnage	9						
Ship IMO Number	1.2	1.2	1.2	1.2	1.2	1.2	1.2

Data	General Declaration	Cargo Declaration	Ship's Stores Declaration	Crew's Effects Declaration	Crew List	Passenger List	Dangerous Goods Manifest
Ship Inmarsat call number							
Ship name	1.1	1.1	1.1	1.1	1.1	1.1	1.1
Ship net tonnage	10						
Ship stores article name			8				
Ship stores location on board			10				
Ship stores quantity on board			9				
Ship type	1.1						
Stowage position on board							5
Transport contract number		B/L No.					
Transport equipment identification number		6					7
Vehicle identification number (VIN)							7
Voyage number	1.4	1.3	1.4	1.4	1.4	1.4	1.4

APPENDIX 2

Declarations that may be required in paper form by the public authorities in exceptional circumstances (Standard 2.11)

GENERAL DECLARATION
(IMO FAL Form 1)

		<input type="checkbox"/> Arrival	<input type="checkbox"/> Departure
1.1 Name and type of ship		1.2 IMO Number	
1.3 Call sign		1.4 Voyage number	
2. Port of arrival/departure		3. Date and time of arrival/departure	
4. Flag State of ship	5. Name of master		6. Last port of call/Next port of call
7. Certificate of registry (Port , date; number) and Port of registry.		8. Name and contact details of ship's agent	
9. Gross tonnage	10. Net tonnage		
11. Brief particulars of voyage (previous and subsequent ports of call; underline where remaining cargo will be discharged)			
12. Brief description of the cargo			
13. Number of crew	14. Number of passengers	15. Remarks	
Attached documents (indicate number of copies)			
16. Cargo Declaration	17. Ship's Stores Declaration		
18. Crew List	19. Passenger List	20. The ship's requirements in terms of waste and residue reception facilities	
21. Crew's Effects Declaration (only on arrival)	22. Maritime Declaration of Health (only on arrival)		
23. Date and signature by master, authorized agent or officer			

For official use

CARGO DECLARATION
(IMO FAL Form 2)

		[] Arrival	[] Departure	Page number
1.1 Name of ship		1.2 IMO Number		
1.3 Voyage number		2. Port where report is made		
3. Flag State of ship		4. Name of master		
5. Port of loading/Port of discharge				
B/L No.	6. Marks and Numbers	7. Number and kind of packages; description of goods or, if available, the HS Code	8. Gross weight	9. Measurement
10. Date and signature by master, authorized agent or officer				

SHIP'S STORES DECLARATION
(IMO FAL Form 3)

		Arrival	Departure	Page number
1.1 Name of ship		1.2 IMO Number		
1.3 Call sign		1.4 Voyage number		
2. Port of arrival/departure		3. Date of arrival/departure		
4. Flag State of ship		5. Last port of call/Next port of call		
6. Number of persons on board		7. Period of stay		
8. Name of article	9. Quantity	10. Location on board	11. Official use	
12. Date and signature by master, authorized agent or officer				

CREW'S EFFECTS DECLARATION
(IMO FAL Form 4)

Page number

1.1 Name of ship			1.2 IMO Number		
1.3 Call sign			1.4 Voyage number		
2. Flag State of ship					
3. No.	4. Family name	5. Given names	6. Rank or rating	7. Effects ineligible for relief from customs duties and taxes or subject to prohibitions or restrictions	8. Signature
9. Date and signature by master, authorized agent or officer					

CREW LIST
 (IMO FAL Form 5)

Arrival Departure Page number

1.1 Name of ship					1.2 IMO Number			1.3 Call sign		1.4 Voyage number	
2. Port of arrival/departure					3. Date of arrival/departure			4. Flag State of ship		5. Last port of call	
6. No.	7. Family name	8. Given names	9. Rank or rating	10. Nationality	11. Date of birth	12. Place of birth	13. Gender	14. Nature of identity document	15. Number of identity document	16. Issuing State of identity document	17. Expiry date of identity document
18. Date and signature by master, authorized agent or officer											

PASSENGER LIST
(IMO FAL Form 6)

Arrival Departure Page number

1.1 Name of ship				1.2 IMO Number				1.3 Call sign						
1.4 Voyage number			2. Port of arrival/departure			3. Date of arrival/departure			4. Flag State of ship					
5. Family name	6. Given names	7. Nationality	8. Date of birth	9. Place of birth	10. Gender	11. Type of identity or travel document	12. Serial number of identity or travel document	13. Issuing State of identity or travel document	14. Expiry date of identity or travel document	15. Port of embarkation	16. Visa number if appropriate	17. Port of disembarkation	18. Transit passenger or not	
19. Date and signature by master, authorized agent or officer														

DANGEROUS GOODS MANIFEST
(IMO FAL Form 7)

(As required by SOLAS 74, chapter VII, regulations 4.2 and 7-2.2, MARPOL, Annex III, regulation 4.2 and chapter 5.4, paragraph 5.4.3.1 of the IMDG Code)

Page number

1.1 Name of ship			1.2 IMO Number				1.3 Call sign			
1.4 Voyage number		2. Flag State of ship			3. Port of loading			4. Port of discharge		
5. Stowage Position	6. Reference Number	7. Marks & Numbers - Freight container Identification No(s) - Vehicle registration No(s).	8. UN Number	9. Proper Shipping Name/(Technical Specifications)	10. Class/ (Subsidiary Risk(s))	11. Packing Group	12. Additional Information/Marine Pollutant/Flash point/etc.	13. Number and kind of packages	14. Mass (kg) or Volume (L)	15. EmS
16. Shipping Agent										
16.1 Place and date										
Signature of Agent										

APPENDIX 3

Form of stowaway details referred to in Recommended Practice 4.6.2

<p>SHIP DETAILS Name of ship: IMO Number: Flag: Company: Company address: Agent in next port: Agent address: IRCS: Inmarsat number: Port of registry: Name of master:</p>	<p>Date of birth: Place of birth: Claimed nationality: Home address: Country of domicile: ID-document type, e.g. Passport No.: ID Card No. or Seaman's Book No.: If yes, When issued: Where issued: Date of expiry: Issued by:</p>
<p>STOWAWAY DETAILS Date/time found on board: Place of boarding:³³ Country of boarding: Date/time of boarding: Intended final destination: Stated reasons for boarding the ship:³⁴ Surname: Given name: Name by which known: Gender:</p>	<p>Photograph of the stowaway: <div style="border: 1px solid black; width: 150px; height: 100px; margin: 10px auto; text-align: center;">Photograph if available</div> General physical description of the stowaway:</p>
<p>First language: Spoken: Read: Written:</p>	<p>Other languages: Spoken: Read: Written:</p>

Other details:

³³ Include port, port facility number, berth and terminal information.

³⁴ If the stowaway declares himself or herself to be a refugee or an asylum seeker, this information shall be treated as confidential to the extent necessary to the security of the stowaway.

- 1) _____ Method of boarding, including other persons involved (e.g. crew, port workers), and whether the stowaway was secreted in cargo/container or hidden in the ship:
- 2) _____ Inventory of the stowaway's possessions:
- 3) _____ Statement made by the stowaway:
- 4) _____ Statement made by the master (including any observations on the credibility of the information provided by the stowaway).

Date(s) of interview(s):

Stowaway's signature:

Master's signature

Date:

Date:

ANNEX 2

EGDH PRIORITY LIST OF DATA SETS

Data set	Brief description	Priority	Descriptive criteria	Status of the data set	
Information on ship certificates (according to FAL.2/Circ.131)	Minimum data set covering high-level information on ship certificates and documents as set out in FAL.2/Circ.131. IACS REC 75 data included in IMO Reference Data Model	1	Administrative data FAL.2/Circ.131 B2G	Submission pending /done	EGDH 2/4 EGDH 2/4/1 EGDH 2/4/2 EGDH 3/3
				Data set pending /agreed	EGDH 3
				Modelling pending /done	April/May 21 Not finished
				Approved by	
Ship reporting system (resolution A.851(20))	Data elements found in resolution A.851(20) on ship reporting systems and ship reporting requirements.	1	Administrative data resolution A.851(20) B2G	Submission pending /done	EGDH 2/5 EGDH 2/INF.2
				Data set pending /agreed	
				Modelling pending /done	
				Approved by	
IMO environmental information (e.g. waste delivery, information on bunker, ballast water and emissions) (FAL 43/INF.3; FAL 43/7/1)	Data set related to Ballast Water Arrival Reporting (FAL 45/INF.2)	21	Administrative data	Submission pending /done	EGDH 4/3
				Data set pending /agreed	
				Modelling pending /done	
				Approved by	
Information on specific shipping conditions (FAL 43/7/3)	N/A	2	N/A	Submission pending /done	
				Data set pending /agreed	
				Modelling pending /done	
				Approved by	

Data set	Brief description	Priority	Descriptive criteria	Status of the data set	
IMO safety information (e.g. ship particulars) (FAL 43/INF.3; FAL 43/7/1)	Information related to "Class and Statutory data exchange" IACS proposed data set on ship registry and company details	2	Administrative data Ship Class and Statutory Data B2G	Submission pending /done	EGDH 2/8 EGDH 2/4/2
				Data set pending /agreed	
				Modelling pending /done	
				Approved by	
IMO safety information (e.g. ship particulars) (FAL 43/INF.3; FAL 43/7/1)	Data set related to Verified Gross Mass (FAL 45/INF.2)	2		Submission pending /done	EGDH 4/5
				Data set pending /agreed	
				Modelling pending /done	
				Approved by	
IMO safety information (e.g. ship particulars) (FAL 43/INF.3; FAL 43/7/1)	Data set related to Container Inspection Programme (FAL 45/INF.2)	2		Submission pending /done	EGDH 4/5
				Data set pending /agreed	
				Modelling pending /done	
				Approved by	
Audits and surveys	IACS proposed data set on audits and surveys	2	NA	Submission pending /done	EGDH 3/12
				Data set pending /agreed	
				Modelling pending /done	
				Approved by	

Data set	Brief description	Priority	Descriptive criteria	Status of the data set	
Port State control inspection history data	Port State control (PSC) is the inspection of foreign ships in national ports to verify that the condition of the ship and its equipment comply with the requirements of relevant international conventions and that the ship is crewed and operated in compliance with these rules. PSC inspections are intended to provide assistance to flag State Administrations in securing compliance of the ship and sharing their history provides a record which would streamline the calculation of vessel risk factors and facilitate States in prioritizing targeted inspections of high-risk vessels.	2	NA	Submission pending/ done	
				Data set pending/ agreed	
				Modelling pending/ done	
				Approved by	
Notice of Hazardous Condition	<i>Hazardous condition</i> means any condition that may adversely affect the safety of any vessel, bridge, structure or shore area, or the environmental quality of any port, harbour or navigable waterway of the United States. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning shortage.	2	Operational Data B2G, B2B	Submission pending/ done	
				Data set pending/ agreed	
				Modelling pending/ done	
				Approved by	
Port logistic operational data FAL 45/6/7	"Data set on berth locations (S-131 (Marine Harbour Infrastructure))" Information supporting berth-to-berth route planning FAL 45/06/7	2	Operational and administrative data B2B and B2G	Submission pending/ done	
				Data set pending/ agreed	
				Modelling pending/ done	
				Approved by	

Data set	Brief description	Priority	Descriptive criteria	Status of the data set	
Terminal codes (Child code of UN/LOCODE, IMO Port facility number, SMDG, BIC facility codes and IHO S-131 product specification")	N/A	2	N/A	Submission pending/ done	
				Data set pending/ agreed	
				Modelling pending/ done	
				Approved by	
Added cargo details on dangerous goods (FAL 43/INF.3; FAL 43/7/1)	N/A	2	N/A	Submission pending/ done	
				Data set pending/ agreed	
				Modelling pending/ done	
				Approved by	
Information regarding Maritime Services 1, 2, 3 in the context of e-navigation and IALA S210	N/A	2	N/A	Submission pending/ done	
				Data set pending/ agreed	
				Modelling pending/ done	
				Approved by	
Other persons on board	Information related to special personnel on board ships	2	N/A	Submission pending/ done	
				Data set pending/ agreed	
				Modelling pending/ done	
				Approved by	
Ship Safety Information (FAL 43/7/3)	N/A	3	N/A	Submission pending/ done	
				Data set pending/ agreed	
				Modelling pending/ done	
				Approved by	

Data set	Brief description	Priority	Descriptive criteria	Status of the data set	
Added cargo details at consignment level (FAL 43/INF.3; FAL 43/7/1)	N/A	3	N/A	Submission pending / done	
				Data set pending / agreed	
				Modelling pending / done	
				Approved by	
Notice of readiness	N/A	3	N/A	Submission pending / done	
				Data set pending / agreed	
				Modelling pending / done	
				Approved by	
Completed data sets					
Maritime Declaration of Health (FAL 43/INF.3)	Form filled in by the ship master to report to the port health administration an illness or an outbreak occurring on board a ship as mandated by the FAL Convention	1	Administrative data FAL Convention B2G	Submission pending / done	EGDH 1/5
				Data set pending / agreed	EGDH 1
				Modelling pending / done	FAL 44/5/1
				Approved by	FAL 44
Port Logistics Operational Data related to JIT Concept (FAL 43/INF.3)	Minimum data set relevant to the data exchange in port calls necessary to implement the JIT Arrival concept from MEPC.323(74)	1	Operational data MEPC.323(74) B2B and B2G	Submission pending / done	EGDH 1/7
				Data set pending / agreed	EGDH 1
				Modelling pending / done	FAL 44/5/1
				Approved by	FAL 44

Data set	Brief description	Priority	Descriptive criteria	Status of the data set	
Stowaways (e.g. according to the FAL Convention, Recommended Practice 4.6.2)	Form of stowaway details referred to in Recommended Practice 4.6.2. (Appendix 3, FAL Convention)	1	Administrative data FAL Convention B2G	Submission pending/done	EGDH 1/6
				Data set pending/agreed	EGDH 3
				Modelling pending/done	FAL45/6/2
				Approved by	FAL 45
Acknowledgement receipt(s) (FAL 44/7)	Message patterns, data exchanges and messaging management information (MMI). Data set related to acknowledgement receipt(s) from the "receiver" to inform the "sender".	1	Message exchange data B2B and B2G	Submission pending/done	EGDH 2/3 EGDH 1/9
				Data set pending/agreed	EGDH 2
				Modelling pending/done	FAL45/6/2
				Approved by	FAL 45
Port logistic operational data and real-time data (e.g. International Harbour Masters' Association (IHMA) Functional definitions for nautical port information)	Port logistics operational data and real-time data such as maritime services time stamps which are important for the implementation of JIT	2	Operational data MEPC.323(74) B2B and B2G	Submission pending/done	EGDH 2/7
				Data set pending/agreed	EGDH 3
				Modelling pending/done	FAL45/6/2
				Approved by	FAL 45

ANNEX 3

TERMS OF REFERENCE OF THE IMO EXPERT GROUP ON DATA HARMONIZATION (EGDH)

The Committee agreed to the following terms of reference of the IMO Expert Group on Data Harmonization:

- 1 continue work related to the maintenance of the IMO Compendium on Facilitation and Electronic Business;
- 2 consider data sets, based on the priority list, and giving priority to data sets with priority 1;
- 3 update the priority list of data sets;
- 4 provide the NCSR Sub-Committee with information on the work in progress, when relevant; and
- 5 submit a report for consideration by the Facilitation Committee.

ANNEX 4

WORKING PROCEDURES OF THE EXPERT GROUP ON DATA HARMONIZATION (EGDH)

Role of EGDH

1 EGDH meets twice a year intersessionally and prepares data sets which are considered and approved by the FAL Committee for inclusion in the IMO Compendium on Facilitation and Electronic Business.

2 EGDH reviews its terms of reference. The FAL Committee approves the EGDH terms of reference to be used for the two annual EGDH meetings.

Priority list of data sets for consideration by EGDH

3 EGDH only examines data sets that are included in the priority list of data sets approved by the FAL Committee.

4 Data sets are proposed by Member States and international organizations to EGDH under agenda item "Review of the priority list of data sets".

5 EGDH allocates a priority (1 to 3) to each data set according to the degree of urgency to address the data set. The FAL Committee approves the priority list of data sets and can include or delete data sets.

6 To keep track of the progress made by EGDH, the priority list includes the following information:

- .1 name of the data set and reference to the FAL submission that put forward the data set;
- .2 a description of the data set;
- .3 the priority allocated to the data set (1-3);
- .4 descriptive criteria such as "administrative or operational data"; "origin in FAL Convention or other instruments"; and "in the scope of B2G and/or B2B"; and
- .5 status of the work: "submission pending/done"; "data set agreed/pending"; "modelling pending/completed"; "approved by".

Consideration of data sets by EGDH

7 EGDH discusses a data set based on a detailed submission of data elements. The fields to be provided for each data element are described in the appendix. The submission should also include a description of the sequence of data exchanges when known.

8 The FAL Committee approves the data sets prepared by EGDH for inclusion in the Compendium.

Modelling and mapping of data sets

9 The modelling of new data sets and its mapping to the main standards takes place after each EGDH session. This work is done by the main partner organizations (WCO, ISO and UNECE) and contributing Member States and international organizations. The modelling of a data set only starts after EGDH finalizes the data set.

10 Updates on the modelling and mapping status of data sets are reported to the following session of EGDH under the agenda item "Any other business" or directly to the FAL Committee by means of a formal submission.

Maintenance of the IMO Compendium

11 As part of the maintenance of the Compendium, Member States and international organizations can request changes and updates to the IMO Reference Data Model under the agenda item "Any other business" of EGDH. A formal submission to EGDH is not necessary when the change proposed is backwards compatible. A change is backwards compatible if it does not impact any other parts of the model and if existing systems can continue to operate (e.g. updating a code list).

12 EGDH prepares the maintenance requests for approval by the FAL Committee, which updates the Compendium accordingly.

ANNEX 5

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 the ITCP	Continuous	TCC	MSC/MEPC/FAL/LEG		No work requested	No work requested	
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		No work requested	Completed	
2. Integrate new and advancing technologies in the regulatory framework	2.7	Regulatory scoping exercise for the use of maritime autonomous surface ships (MASS)	2022	FAL			In progress	Extended	MSC 98/23, paragraph 20.2.11; FAL 43/20, paragraph 17.1
Notes: Owing to COVID-19, MSC 102 postponed the consideration to MSC 103 in 2021 and thus postponed the target completion year to 2021. FAL 44 postponed the consideration to FAL 45 in 2021. FAL 45 postponed the consideration to FAL 46 in 2022 and agreed to extend the TCY to 2022.									

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
2. Integrate new and advancing technologies in the regulatory framework	2.11	Consideration of descriptions of Maritime Services in the context of e-navigation	2022	MSC	FAL/NCSR		In progress	Extended	FAL 43/20, paragraph 7.21; MSC 101/24, paragraphs 11.10 and 11.11; resolution MSC.467(101); MSC.1/Circ.1610
<p>Notes: Having completed the work on the development of guidance on definition and harmonization of the format and structure of Maritime Services within the context of e-navigation, and recognizing the need for a continuous review process of maritime service descriptions and the harmonization of related services, MSC 101 agreed with the request of NCSR 6 to rename the output "Develop guidance on definition and harmonization of the format and structure of Maritime Service Portfolios (MSPs)" as "Consideration of descriptions of Maritime Services in the context of e-navigation" with a target completion year of 2021. MSC 101 also noted the decision of FAL 43 to include the FAL Committee as an associated organ for this output (FAL 43/20, paragraphs 7.21 to 7.23). FAL 45 postponed the consideration to FAL 46 in 2022 and agreed to extend the TCY to 2022.</p>									
4. Engage in ocean governance	4.2	Input to the ITCP on emerging issues relating to sustainable development and achievement of the SDGs	Continuous	TCC	MSC/MEPC/FAL/LEG		No work requested	No work requested	MEPC 72/17, section 12; MEPC 73/19, section 13; MEPC 74/18, section 12
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

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	5.7	Guidance to address maritime corruption	2022	FAL				Extended	
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			Ongoing	Ongoing	FAL 41/17, paragraph 14.1. FAL 42/17, paragraph 14.5. TCT extended to 2021. FAL decided to convert this output to a continuous output (FAL 43/20, paragraph 7.11.4).
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	2022	FAL			In progress	Extended	FAL 41/17, paragraph 14.3

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	5.10	Review and update the annex of the FAL Convention	2023	FAL			In progress	In progress	FAL 42/17, paragraph 14.1
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)	2022	FAL			In progress	In progress	FAL 42/17, paragraph 14.6
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	2022	FAL			In progress	Completed	FAL 42/17, paragraph 14.8
5. Enhance global facilitation and security of international trade	5.13	IMO's contribution to addressing unsafe mixed migration by sea	2022	MSC/FAL/LEG			In progress	Extended	FAL 41/17, paragraph 7.15; MSC 98/23, paragraph 16.14; FAL 43, paragraph 10.7; MSC 101/24, paragraph 19.8

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	5.14	Development of guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic	2023	FAL				Ongoing	Paragraph reference in FAL 44/21/1 18.4
5. Enhance global facilitation and security of international trade	5.15	Development of guidelines for harmonized communication and electronic exchange of operational data for port calls	2023	FAL			In progress	In progress	Paragraph reference in FAL 44/21/1 18.7
6. Ensure regulatory effectiveness	6.1	Unified interpretation of provisions of IMO safety, security, environment, facilitation, liability and compensation-related conventions	Continuous	MSC/MEPC/FAL/LEG	III/PPR/CCC/SDC/SSE/NCSR		Ongoing	Ongoing	MSC 76/23, paragraph 20.3; MSC 78/26, paragraph 22.12;
Notes:		A 28 expanded the output to include all proposed unified interpretations to provisions of IMO safety, security and environment-related conventions.							
6. Ensure regulatory effectiveness	6.6	Consideration and analysis of reports and information on persons rescued at sea and stowaways	Annual	MSC/FAL			Postponed	Postponed	

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
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	2021	Council	MSC/MEPC/FAL/LEG/TCC		Completed	Postponed	
OW. Other work	OW 13	Endorsed proposals for new outputs for the 2020-2021 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	2021	Assembly	MSC/MEPC/FAL/LEG/TCC	Council	In progress	Completed	C 120/D, paragraphs 17(a).1-17(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	2021	Assembly	MSC/MEPC/FAL/LEG/TCC	Council	In progress	Completed	C 120/D, paragraphs 17(a).1-17(a).5

ANNEX 6

LIST OF OUTPUTS OF THE FACILITATION COMMITTEE FOR THE 2022-2023 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 the 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)	2022	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	2022	MSC	FAL/NCSR	
4. Engage in ocean governance	4.2	Input to the ITCP on emerging issues relating to sustainable development and achievement of the SDGs	Continuous	TCC	MSC/MEPC/FAL/LEG	

FACILITATION COMMITTEE						
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)
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	5.7	Guidance to address maritime corruption	2022	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	2022	FAL		
5. Enhance global facilitation and security of international trade	5.10	Review and update the annex of the FAL Convention	2023	FAL		
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)	2022	FAL		

FACILITATION COMMITTEE						
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)
[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	2022	FAL]		
5. Enhance global facilitation and security of international trade	5.13	IMO's contribution to addressing unsafe mixed migration by sea	2022	MSC/FAL/LEG		
5. Enhance global facilitation and security of international trade	5.14	Development of guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic	2023	FAL		
5. Enhance global facilitation and security of international trade	5.15	Development of guidelines for harmonized communication and electronic exchange of operational data for port calls	2023	FAL		
5. Enhance global facilitation and security of international trade	[..]*	Analysis of possible means of auditing compliance with the Convention on Facilitation of International Maritime Traffic.	2023	FAL		

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

FACILITATION COMMITTEE						
Reference to SD, if applicable	Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)
5. Enhance global facilitation and security of international trade	[..]* NEW	Introduction of the API/PNR concept in maritime transport	2023	FAL		
6. Ensure regulatory effectiveness	6.1	Unified interpretation of provisions of IMO safety, security, environment, facilitation, liability and compensation-related conventions	Continuous	MSC/MEPC/FAL/LEG	III/PPR/CCC/SDC/SSE/NCSR	
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	2023	Council	MSC/MEPC/FAL/LEG/TCC	
OW. Other work	OW 13	Endorsed proposals for new outputs for the 2022-2023 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	2023	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	2023	Assembly	MSC/MEPC/FAL/LEG/TCC	Council

ANNEX 7

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

ANNEX 8

LIST OF SUBSTANTIVE ITEMS FOR INCLUSION IN THE PROVISIONAL AGENDA FOR THE FORTY-SIXTH SESSION OF THE COMMITTEE¹

Opening of the session

Decisions of other IMO bodies

Consideration and adoption of proposed amendments to the Convention

Review and update of 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 guidelines for harmonized communication and electronic exchange of operational data for port calls

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

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)

Development of guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic²

Introduction of the API/PNR concept in maritime transport²

Analysis of possible means of auditing compliance with the Convention on Facilitation of International Maritime Traffic

Technical cooperation activities related to facilitation of maritime traffic

Relations with other organizations

¹ The list of agenda items would be reviewed at a later stage, depending on the documents received and time available.

² Subject to endorsement by the Council.

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

Work programme

Election of Chair and Vice-Chair for 2023

Any other business

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

ANNEX 9

THEMATIC PRIORITIES FOR THE FACILITATION OF INTERNATIONAL MARITIME TRAFFIC FOR INCLUSION IN THE ITCP FOR THE 2022-2023 BIENNIUM

- 1 Enhancing the facilitation of international maritime traffic within the context of trade facilitation, in line with the Organization's Strategic Plan.
- 2 Promoting a wider acceptance and understanding of the FAL Convention and of the benefits of 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, and to contribute both to facilitation of maritime traffic and to the decarbonization of shipping and ports.
- 5 Supporting Member States to introduce the single window approach to clearance procedures in ports in line with Recommended Practice 1.3*quin* of the FAL Convention.
- 6 Promoting the use of international standards in electronic data exchange systems across ports and shipping stakeholders and in alignment with the IMO Compendium on Facilitation and Electronic Business, to ensure their interoperability.
- 7 Enhancing the facilitation of international maritime traffic in the context of a pandemic crisis, taking into account the lessons learned from the COVID-19 pandemic, and in line with the standards and recommended practices in section 6 of the FAL Convention on Public health and quarantine.
- 8 Assisting Member States in preventing and addressing the severe problems caused for international maritime traffic by stowaways, migrants and refugees rescued at sea.
- 9 Promoting the early ratification and effective implementation of IMO instruments while also addressing the special needs of developing countries, especially least developed countries (LDCs) and small island developing States (SIDS) and, in particular, the maritime transport needs of Africa.

ANNEX 10

STATEMENTS BY DELEGATIONS¹

AGENDA ITEM 21

Statement by the delegation of Ukraine

"Madam Chair,

This delegation would like to respond to the comments made by the Russian Federation in document FAL 44/20/4 and to provide an update of the information submitted by Ukraine as there was a huge time gap between the discussion of this issue by the Committee.

Madam Chair, Distinguished delegates,

The Russian Federation continues the malicious practice of violating the sovereign rights of Ukraine on an integral part of our territory, specifically in the maritime areas adjacent to the Autonomous Republic of Crimea, temporarily occupied by Russia, as well as of interfering with the freedom of navigation in the Kerch Strait and the Sea of Azov.

The construction and opening of the bridge across the Strait, imposition of unilateral illegal restrictions, limiting the dimensions of vessels that may pass through it, followed by the harassment of commercial vessels in the Kerch Strait and the Sea of Azov – all these activities of the Russian Federation are aimed at disrupting of international navigation in the region for Ukrainian and foreign ships.

Despite the overwhelming international condemnation, including within the framework of the United Nations and the IMO, the Russian Federation refuses to discontinue its illegal actions. During 2020-2021 the situation continues to deteriorate, lately linked to the attempted suspension the right of peaceful passage in maritime areas around Crimea, announced by Russia on April 16, this year. For the above-mentioned period there were 1696 cases of illegal stoppages of ships passing the Kerch Strait which were heading to/from Ukrainian seaports of Mariupol and Berdiansk.

By contrast, the vessels bound for Russian Federation's ports have not been affected.

In many cases, the commercial vessels have been subjected to multiple unreasonable inspections on their way to and/or returning from these ports with critical export cargoes, which resulted in significant delays – from average 2 days waiting time up to one week or more (max 239 hours), and attendant losses.

Despite all the statements of the Russian Federation about the dependence of these figures on seasonal conditions or the limited capacity of the Kerch-Yenikale Canal, the causes of the problems are artificially created by the occupation administration of the Russian Federation in Crimea.

¹ 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).

Madam Chair,

The Russian Federation's actions constitute a blatant violation of the right to freedom of navigation guaranteed by international law.

Discriminatory inspections of commercial vessels bound for Ukraine's seaports are inconsistent with Russia's fundamental obligations under UNCLOS, FAL Convention as well as bilateral agreements between Ukraine and Russia.

They have a dramatic impact on socio-economic situation in region suffering from the Russian belligerent occupation. They also inflict significant costs to the crews, shipowners / operators, as well as flag States of the commercial vessels that Russia has harassed.

The major victims of Russia's illegal acts are ships flying flags of Panama, Liberia, Malta, Turkey, Moldova, Bulgaria, Palau and many others.

Ukraine calls on all flag States and shipowners that have suffered losses as a result of the actions of the Russian Federation not to ignore these cases, providing relevant reports to the IMO, and to put pressure on Russia to fulfil its international obligations.

On its part, Ukraine also urges Russia to adhere to the demands of UN General Assembly resolution 75/29 of 7 December 2020 and to guarantee lawful exercise of navigational rights and freedoms in the Sea of Azov and the Kerch Strait in accordance with applicable international law.

I thank you, Madam Chair, and kindly request the inclusion of this statement as an annex to the Committee's report."

Statement by the delegation of the Russian Federation

"«Уважаемая, г-жа Председатель!

Российская Федерация в очередной раз подчеркивает необоснованность обвинений, включенных в документ Украины FAL44/20/3. Хотелось бы отметить, что данный вопрос неоднократно поднимался украинской стороной на заседаниях различных органов ИМО, и их соответствующие решения, свидетельствуют о едином понимании делегаций относительно недопустимости политизации работы Организации. При этом настойчивые попытки вынесения на рассмотрение Комитета исключительно политических вопросов, а также недобросовестное толкование позиций различных органов ИМО, в том числе Ассамблеи ИМО, крайне контрпродуктивны – помимо того, что они целенаправленно порочат репутации одного из членов ИМО путем введения в заблуждение всех членов Организации, такие действия наносят ущерб работе Комитета, отвлекая внимание и бесценное время на сюжеты, не относящиеся ни к его компетенции, ни к компетенции Организации.

Подобные действия не могут интерпретироваться иначе как очередная попытка политизировать и осложнить работу ИМО, особенно в свете существенной рабочей нагрузки на все Комитеты и Подкомитеты ИМО в условиях пандемии.

Хотели бы также отметить, что на FAL-43 российская делегация аргументированно ответила на выдвинутые обвинения и домыслы, используя необходимую статистическую и фактологическую информацию, а также ссылки на релевантные международно-правовые действующие двусторонние и многосторонние инструменты.

Ради экономии времени мы не будем вдаваться в детали, всю информацию в отношении обеспечения безопасности мореплавания в Крыму можно найти в нашем документе, а также в иных документах ранее представленных Российской Федерацией по данному вопросу.

Спасибо»

(English translation of the statement)

"Dear Madam Chair,

The Russian Federation once again underscores the groundlessness of the accusations contained in document FAL44/20/3 submitted by Ukraine. We would like to note that this issue has been repeatedly raised by the Ukrainian side at meetings of various IMO bodies, and the respective decisions of those bodies indicate a common understanding among delegations regarding the inadmissibility of politicization of the Organization's work. However, persistent attempts to bring purely political issues before the Committee, as well as unfair interpretation of the positions of various IMO bodies, including the IMO Assembly, are highly counterproductive; aside from intentionally tarnishing the reputation of one IMO member by misleading all members of the Organization, such actions damage the work of the Committee, diverting attention and invaluable time to subjects that are neither within its remit nor within the remit of the Organization.

Such actions cannot be interpreted other than as yet another attempt to politicize and complicate the work of IMO, especially in light of the significant workload of all IMO committees and sub-committees in the context of the pandemic.

We would also like to note that at FAL 43 the Russian delegation responded in a reasoned manner to the accusations and speculations made, using the necessary statistical and factual information, as well as references to the relevant international legal instruments in force, bilateral and multilateral.

For the sake of time, we will not go into detail; all information regarding the safety of navigation in Crimea can be found in our document, as well as in other documents previously submitted by the Russian Federation on this issue.

Thank you."

Statement by the delegation of Portugal (on behalf of the EU members)

"Madam Chair , distinguished delegates,

More than six 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 firmly committed 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 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.

The European Union remains committed to fully implementing its non-recognition policy, including through restrictive measures. The EU calls again on UN 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 appended to the report of the Committee.

Thank you, Madam Chair."

Statement by the delegation of the United States

"The United States thanks the distinguished delegation of Ukraine for its paper FAL 44/20/3, 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 Ukraine's Crimean peninsula remains an unprecedented threat to European and Transatlantic 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. 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 respect Ukraine's sovereignty and territorial integrity within its internationally recognized borders, extending to its territorial waters. In this regard, the United States condemns the suspension of innocent passage in territorial sea areas in the Black Sea.

The United States joins the international community again to reaffirm that Crimea is part of Ukraine. We condemn Russia's occupation of Crimea. The United States does not – and will not ever – recognize Russia's purported annexation of Crimea. We remain committed to upholding the sovereignty and territorial integrity of Ukraine within its internationally recognized borders.

Thank you, Chair."
