

FACILITATION COMMITTEE
46th session
Agenda item 24

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

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1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The forty-sixth session of the Facilitation Committee was held remotely from 9 May to 13 May 2022, chaired by Ms. Marina Angsell (Sweden).

1.2 The Committee recalled that FAL 45 had agreed to postpone to FAL 46 the election of the Vice-Chair of the Facilitation Committee for 2022, having been informed that the Vice-Chair for 2021, Ms. Hadiza Bala Usman (Nigeria), might not be available for re-election. The Committee, having received confirmation that Ms. Bala Usman was indeed not available for re-election, unanimously elected Mr. Mohamed AlKaabi (United Arab Emirates) as the new Vice-Chair for 2022. The Committee expressed appreciation for the work done by Ms. Bala Usman as Vice-Chair of the Committee since FAL 43 and wished her all the best for her future endeavours.

1.3 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 46/INF.1.

Opening address of the Secretary-General

1.4 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

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

Measures taken to facilitate the remote session

1.6 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

1.7 The Committee adopted the provisional agenda (FAL 46/1) and agreed to be guided in its work, in general, by the annotations contained in document FAL 46/1/1 and by the provisional timetable (FAL 46/1/1, annex, as revised).

Credentials

1.8 The Committee noted that the credentials of 95 delegations attending the session were in due and proper form.

Consideration of selected agenda items by correspondence

1.9 The Committee considered the Chair's proposals concerning the consideration of agenda items 11 (Unsafe mixed migration by sea), 12 (Consideration and analysis of reports and information on persons rescued at sea and stowaways), 18 (Technical cooperation activities related to facilitation of maritime traffic), 19 (Relations with other organizations) and 20 (Application of the Committee's procedures on organization and method of work) in total or in part by correspondence, as set out in document FAL 46/1/2, together with the comments received on those proposals, as set out in document FAL 46/1/2/Add.1. In this regard, the Committee noted that the purpose of considering the aforementioned selected agenda items by correspondence was to address the backlog that had been accumulating over the last two sessions.

1.10 The Committee approved the proposed actions which are reflected in this report under the appropriate agenda items (see sections 11, 12, 18, 19 and 20).

2 DECISIONS OF OTHER IMO BODIES

2.1 The Committee noted the information provided in documents FAL 46/2 and FAL 46/2/1 (Secretariat), in relation to the outcome of A 32, LEG 108, MEPC 76, MEPC 77, MSC 104, TC 71, C 125, C/ES.33, C 126 and Ill 7 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 45 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 47 (see paragraph 21.13).

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

2.4 The Committee, in considering the outcome of C/ES.35 (FAL 46/2/2), noted that the Council, having considered the impacts of the ongoing military conflict between the Russian Federation and Ukraine on shipping and seafarers, had:

- .1 requested IMO committees to consider ways to enhance the efforts of Member States and observer organizations in supporting affected seafarers and commercial vessels and consider the implications of this situation for the implementation of the Organization's instruments, take appropriate action and report back to Council;

- .2 agreed to encourage the establishment, as a provisional and urgent measure, of a blue safe maritime corridor to allow the safe evacuation of seafarers and ships from the high-risk and affected areas in the Black Sea and the Sea of Azov to a safe place in order to protect the lives of seafarers, and ensure the mobilization and commercial navigation of vessels intending to use this corridor by avoiding military attacks and protecting and securing the maritime domain; and
- .3 invited the Secretary-General to collaborate with the relevant parties and take the necessary immediate actions to initiate the establishment and support the implementation of a blue safe maritime corridor in the Black Sea and the Sea of Azov, keep Member States informed of developments and report to a future session of the Council.

2.5 In this regard, the Committee noted information provided by the Secretary-General on action taken following C/ES.35, in particular that he had written to the Ministers of Foreign Affairs of the Russian Federation and Ukraine, and to the littoral states, to share ideas on the establishment of a blue safe maritime corridor and that the Russian Federation had informed the Organization about the establishment of a humanitarian corridor, to provide for the safe evacuation of ships once outside the territorial waters of Ukraine; but that, despite this initiative, there remained many safety and security issues which hampered access to the corridor and the ability of ships to depart from their berth in Ukrainian ports. He advised that Ukraine had also provided their preconditions for the safe evacuation of ships from their ports, including an end to hostilities, the withdrawal of troops and ensuring the freedom of navigation in the Black Sea and the Sea of Azov, and carrying out minesweeping activities with the involvement of Black Sea littoral states. He reiterated that his priority had been to support seafarers stranded in Ukraine.

2.6 The Committee also noted information by the Special Advisor to the Secretary-General on Maritime Security, providing an update on the situation and the actions IMO had been taking to support ships and seafarers affected by the conflict.

2.7 In considering the outcome of LEG 109 in the matter, the Committee noted that LEG 109 had:

- .1 included a new sub-item on the "Impact on shipping and seafarers of the situation in the Black Sea and the Sea of Azov" in the agenda of the Legal Committee under its existing agenda item on "Advice and guidance in connection with the implementation of IMO instruments"; and
- .2 approved *Guidance on the impact of the situation in the Black Sea and the Sea of Azov on insurance or other financial security certificates* (LEG.1/Circ.12), providing guidance on the implementation of IMO's liability and compensation conventions, and in particular on insurance certificates issued pursuant to these conventions.

2.8 In considering the outcome of MSC 105 on the matter, the Committee noted that MSC 105 had:

- .1 urged the Secretary-General and the Secretariat to continue their efforts regarding the establishment of safe maritime corridors and the safe evacuation of seafarers from the affected area as a priority;

- .2 invited the Council to:
 - .1 consider the issues raised in paragraph 14 of document MSC 105/18/3, in particular the consideration and analysis of reports on States' armed interference in maritime shipping, including ships, ports and shipping security systems, and the development of guidance relating to the prevention of such interference; and
 - .2 consider the need for including any procedural matters in the conduct of audits under IMSAS, in relation to the proposal for auditors to take into account information provided by other coastal States relating to the adjacent marine areas, in the context of the revision of the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)), possibly through establishing the Joint Working Group on the Member State Audit Scheme; and
 - .3 adopted resolution MSC.495(105) on *Actions to facilitate the urgent evacuation of seafarers from the war zone area in and around the Black Sea and the Sea of Azov as a result of the Russian Federation aggression against Ukraine*.

2.9 The Committee noted document FAL 46/23 (Ukraine) on the Russian Federation's interference with navigation in the Black Sea, the Sea of Azov and the Kerch Strait, and document FAL 46/23/3 (Russian Federation), commenting on document FAL 46/23, as well as information provided orally by Ukraine and the Russian Federation on developments in the situation since the documents were submitted. The full text of the relevant statements made by the delegations of Ukraine and the Russian Federation is set out in annex 12.

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

- .1 the Secretary-General and the Secretariat were thanked for the action taken, in cooperation with other UN agencies and industry organizations, to ensure the safety of shipping and seafarers in the ongoing conflict;
- .2 the aggression by the Russian Federation against Ukraine, which threatened its territorial integrity and the lives of its people, was condemned;
- .3 the ongoing armed aggression was a breach of international law and the UN Charter;
- .4 the Russian Federation had failed to uphold its responsibilities as a full-time member of the UN Security Council and should cease its military action and withdraw immediately from Ukraine;
- .5 the impacts of the Russian Federation's invasion of Ukraine on regional and international shipping must be considered;
- .6 the safety and security of shipping, seafarers, the marine environment and global supply chains were threatened by the ongoing Russian Federation armed aggression against Ukraine;

- .7 C/ES.35 had requested relevant IMO committees to consider the implications of the ongoing conflict for the implementation of IMO instruments;
- .8 despite the fact that many seafarers had already been evacuated from the affected area, the evacuation of the remaining seafarers was the most important issue the maritime community was confronted with at the present time;
- .9 concerns relating to the impact of the ongoing Russian Federation armed aggression against Ukraine on trade and food security were expressed; and
- .10 the purpose and goal of the FAL Convention were recalled and concerns expressed that the implementation of the Convention in the maritime areas of the Black Sea, the Sea of Azov and the Kerch Strait was compromised, including through the harassment of seafarers.

2.11 The full text of statements made by the delegations of Australia, Canada, France (supported by Belgium, Croatia, Cyprus, Denmark, Estonia, Finland, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Slovenia, Spain, Sweden and EC), Norway, the United Kingdom, and the United States is set out in annex 12.

2.12 On the basis of the support of the delegations who spoke, the Committee took the following actions:

- .1 noted the recent decision of the thirty-fifth extraordinary session of the IMO Council and the adoption of resolution MSC.495(105) by MSC 105, which strongly condemned the Russian Federation's invasion of Ukraine that had started on 24 February 2022, and expressed grave concern regarding its impact on global shipping, safety and security of navigation in the Black Sea and the Sea of Azov and the maritime community;
- .2 recalled article I of the 1965 Convention on Facilitation of International Maritime Traffic (FAL Convention), which stipulated that its main goal was the adoption of all appropriate measures to facilitate and expedite international maritime traffic and to prevent unnecessary delays to ships and to persons and property on board;
- .3 expressed concern about the consequences of the Russian Federation's attempted annexation of Crimea in 2014 for the implementation of the FAL Convention in the maritime areas of the Black Sea, the Sea of Azov and the Kerch Strait;
- .4 noted with concern information that since April 2018 the Russian Federation had engaged in a campaign to interfere with navigation in the Black Sea, the Sea of Azov and the Kerch Strait, which was inconsistent with its fundamental obligations under the FAL Convention, by:
 - .1 constructing the Kerch Strait bridge that impeded the navigation of certain types of cargo ships; and
 - .2 conducting discriminatory inspections of cargo ships bound for Ukraine's seaports in the Sea of Azov or returning from these ports, resulting in significant delays and attendant economic losses;

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- .5 urged the Russian Federation to refrain from harassing commercial ships, as well as seafarers, and from restricting international navigation in the Black Sea, the Sea of Azov and the Kerch Strait both for commercial ships sailing to and from ports of Ukraine and for government ships sailing under various flags, which further exacerbated tensions in the region and beyond; and
 - .6 resolved to keep this matter under review and invited Member States concerned to provide relevant reports to the Committee.

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

- .1 The conclusions of the Committee on this issue were purely political and outside of its mandate. They did not take into account positions of all of its Members, as well as of other IMO and UN bodies. For example, the introduction of a qualifier "invasion" went beyond the competence of the Committee and the relevant action did not correspond to the IMO Council and MSC outcomes. The mentioning of government ships, which included naval ships, in this context was as well beyond the remit of not only FAL, but also the IMO mandate.
- .2 The statements referring to the inconsistencies with the FAL Convention were empty-worded and not based in real facts. The Russian Federation had been fully implementing the FAL Convention and other IMO instruments both before and after 2014. The relevant action on behalf of the Committee served as a very dangerous precedent when the construction of a bridge was posed as a breach of the FAL Convention. This might be applied to all other bridges. It was perfectly clear that such notions had to be considered in their full context. The Committee was reminded that the Crimean Peninsula was under full blockade by Ukraine, including water blockade. In these circumstances the bridge made it possible to provide people of the region with all necessary and essential products and materials.
- .3 The Russian Federation had been regularly providing to the Committee all relevant and up-to-date information in the documents presented to this and previous sessions on the issues raised. This data had been fully ignored by the Committee.
- .4 The lopsidedness of the Committee's outcomes in tackling this issue was also demonstrated through statements where blame was expressly put only on one Party, while the actions of other Parties involved were equally expressly omitted.

2.14 At a later stage during the meeting, Ukraine provided additional updates on the situation. The statement of Ukraine is set out in annex 12.

3 CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE CONVENTION

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

3.2 The Committee also recalled that:

- .1 FAL 44 had extended the target completion year for this output to 2023; and
- .2 FAL 45 had approved the draft amendments to the annex to the FAL Convention, for circulation in accordance with the provisions of article VII(2)(a) of the Convention, as set out in the annex to document FAL 46/3, with a view to adoption at its forty-sixth session (FAL 45/22, paragraph 4.17).

3.3 The Committee further recalled that FAL 45 had:

- .1 agreed not to include any amendments related to the cargo declarations in the set of amendments approved at that session;
- .2 approved a work plan for developing the relevant amendments regarding the cargo declaration; and
- .3 re-established the Correspondence Group on the Review and Update of the Annex of the FAL Convention under the coordination of France, to consider the issue of the cargo declaration further.

3.4 The Committee recalled further that the proposed amendments had been circulated to all IMO Member States and Contracting Governments to the FAL Convention under the cover of Circular Letter No.4434 of 21 July 2021.

3.5 The Committee agreed to consider documents FAL 46/4/1 (Republic of Korea) and FAL 46/15 (Brazil et al.), proposing modifications to the draft amendments to the annex to the Convention approved by FAL 45, under agenda item 4 (Review and update of the annex to the FAL Convention), noting that these proposals had not been circulated in accordance with article VII(2)(a) of the Convention and, therefore, could not be included in the current set of amendments to be adopted at this session.

Establishment of the Drafting Group

3.6 The Committee considered document FAL 46/3 and established the Drafting Group on Amendments of the Annex to the FAL Convention, under the chairmanship of Mr. Fabien Joret (France), and instructed it to prepare the final text of the draft amendments to the annex to the FAL Convention, together with the associated draft FAL resolution.

Report of the Drafting Group

3.7 Having received the report of the Drafting Group (FAL 46/WP.7), the Committee, on Friday, 13 May 2022, adopted the draft amendments to the annex to the Convention unanimously in accordance with article VII(2)(a) of the Convention, by resolution FAL.14(46). The text of resolution FAL.14(46), with the text of the adopted amendments annexed thereto, is set out in annex 1.

Date of entry into force of the amendments

3.8 The Committee also unanimously decided that the amendments shall enter into force, in accordance with article VII(2)(b), on 1 January 2024, unless, prior to 1 October 2023, at least one third of the Contracting Governments had notified the Secretary-General in writing that they did not accept the amendments.

Instructions to the Secretariat

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

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

4 REVIEW AND UPDATE OF THE ANNEX TO THE FAL CONVENTION

Consideration of the report of the Correspondence Group

4.1 The Committee noted with appreciation the work of the Correspondence Group on the Review and Update of the Annex of the FAL Convention (FAL 46/4) and gave special recognition to the work by its coordinator, Mr. Fabien Joret (France).

4.2 Having considered the issues raised by the Correspondence Group in its report that had not been resolved by the Correspondence Group, the Committee noted the following views:

- .1 a single declaration/manifest for cargo should be established in order to avoid duplication, through coordination and cooperation between IMO and WCO; and the matter should be discussed by the EGDH in detail;
- .2 to establish the detailed cargo declaration and obtain a single declaration, the active involvement of WCO was necessary;
- .3 the matter should be referred to the Working Group on Facilitation Instruments for a thorough discussion as to how a data list could be developed and whether a new output dedicated to this matter would be needed;
- .4 the discussion on the issue should not delay the adoption of the current set of amendments to the annex to the FAL Convention and the matter should be discussed under a new output; and
- .5 in regard to the view of some of the members of the Correspondence Group that "the name cargo manifest could create confusion, as it is used by carriers to describe a commercial document", the carriers did not need a manifest for commercial reasons, as the bills of lading were used to that end; and therefore, it should be named as cargo manifest to meet the Government agencies' data-collection requirements.

4.3 In view of the above, the Committee agreed:

- .1 that the matter should be discussed under a new output and, therefore, invited interested Member States and international organizations to submit proposals for a new output; and
- .2 to establish the Working Group on Facilitation Instruments and based on document FAL 46/4, task the Group with identifying lessons learned and outstanding issues related to cargo declaration to be considered under a new output.

Designation of maritime traffic employees as key workers

4.4 The Committee considered document FAL 46/4/1 (Republic of Korea), proposing to include relevant provisions in the FAL Convention concerning the designation of maritime traffic employees as key workers to facilitate maritime traffic and protect human rights of those key workers during pandemic situations.

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

- .1 a clear unified interpretation should be established between Assembly resolution A.1160(32) on *Comprehensive action to address seafarers' challenges during the COVID-19 pandemic* and the FAL Convention with regard to designation of seafarers and port workers as key workers and, therefore, a clear definition of key workers should be incorporated in the Convention;
- .2 public/private service providers performing in ports should be considered as key workers and their rights should be clearly identified;
- .3 a harmonized and coordinated approach among the States, as well as in coordination with ILO, would be required for the well-being of seafarers and to make sure that the supply chains functioned properly;
- .4 the issue would require an in-depth analysis that would clarify the scope of key workers and their rights and, therefore, it would necessitate more than one session under a new output before concrete amendments to the FAL Convention could be established;
- .5 the amendment proposals in the document should be separated from the current set of amendments to be adopted and the Working Group should be tasked to advise the Committee on how the matter should be addressed together with matters of terminology;
- .6 in developing 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*, MSC 104 had deliberated on the inclusion of other marine personnel within the definition of key workers; however, it eventually had agreed to limit the definition to seafarers only, on the basis that the Member States could determine their own key workers and, therefore, the matter should be considered in coordination with other committees and ILO;
- .7 the proposed modification to Standard 6.22 would better be addressed as a recommended practice instead, in order to provide flexibility; and
- .8 the proposal on "vaccination priority in national vaccination programmes or emergency medical care" should be carefully considered, taking into account that some developing countries had had difficulties in gaining access to vaccinations during the pandemic and that Member States might have different priorities to take into account.

4.6 Following consideration, the Committee agreed:

- .1 that the matter should be discussed under a new output and, therefore, invited interested Member States and international organizations to submit proposals for a new output; and
- .2 based on document FAL 46/4/1, task the Working Group on Facilitation Instruments to advise the Committee on how best the recommendations in the document could be considered under a new output.

Inclusion of combating illicit activities within national maritime transport programmes

4.7 The Committee considered the relevant part of document FAL 46/15 (Brazil et al.), proposing a revised text with respect to Recommended Practice 7.11 approved by FAL 45, to include a reference to combating illicit activities when defining the objective of the national maritime transport facilitation programmes.

4.8 Having agreed with the proposal in principle, the Committee agreed to task the Working Group on Facilitation Instruments with preparing a relevant set of amendments, based on document FAL 46/15, for approval at this session, with a view to adoption at FAL 47.

Establishment of the Working Group on Facilitation Instruments

4.9 Having considered the above-mentioned matters, the Committee established the Working Group on Facilitation Instruments and instructed it, taking into account the comments made and decisions taken, to:

- .1 based on document FAL 46/4, identify lessons learned and outstanding issues related to cargo declaration to be considered under a new output;
- .2 based on document FAL 46/4/1, advise the Committee on how the recommendations therein could be considered under a new output; and
- .3 prepare a set of amendments to Recommended Practice 7.11 regarding combating illicit activities, based on document FAL 46/15, with a view to approval at this session.

Consideration of the report of the Working Group

4.10 Having considered the report of the Working Group (FAL 46/WP.9), the Committee approved it in general and took action, as indicated below.

Cargo declaration

4.11 The Committee endorsed the lessons learned and outstanding issues related to the cargo declaration identified by the Group as set out below, to be considered under a new output:

- .1 requirements of cargo declarations were implemented differently in various jurisdictions;
- .2 the active involvement of the World Customs Organization (WCO) was considered necessary to determine the information that should go into a single declaration to meet the needs of customs authorities, preferably at a level above the technical level of the Data Model Projects Team, given that the matter at hand involved policy decisions;

- .3 a single declaration/manifest for cargo should be established in order to avoid duplication, through coordination and cooperation between IMO and WCO; and the technical matters should be discussed in detail by the EGDH;
- .4 although there was a majority in favour of using the name "cargo manifest" for the revised declaration of cargo, the implications of such naming should be further analysed, given that it had not been possible to reach a consensus on the matter; and
- .5 a "grand total list" of cargo information, compiling information from the manifest and the cargo declaration, the advance security information, the dangerous goods manifest, and the declaration for cargo remaining on board, could be considered and developed, as appropriate.

4.12 In view of the above, the Committee requested the IMO Secretariat to consult with the WCO Secretariat on the way forward regarding the cargo declaration matter, in order to make the necessary preparations in advance, so that the matter could be considered under a new output in the future.

Designation of key workers in the maritime domain

4.13 In respect of the designation of key workers in the maritime domain proposed in document FAL 46/4/1 (Republic of Korea), the Committee endorsed the following recommendations made by the Working Group, to be considered under a new output:

- .1 a clear unified interpretation should be established between Assembly resolution A.1160(32) on *Comprehensive action to address seafarers' challenges during the COVID-19 pandemic* and the FAL Convention with regard to the designation of seafarers and port workers as key workers;
- .2 if any definition of key worker were to be introduced, it should build on the meaning of the term given in 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*;
- .3 a harmonized and coordinated approach should be established among the IMO Member Governments in coordination with other committees and ILO, to provide for the safety, medical needs and well-being of key workers and to support the proper functioning of the supply chains;
- .4 the proposed modification to Standard 6.22 in document FAL 46/4/1 should be considered to be addressed as a separate Recommended Practice instead, in order to keep provision 6.22 as a standard; and
- .5 the proposal on "vaccination priority in national vaccination programmes or emergency medical care" in document FAL 46/4/1, should be carefully considered, taking into account that some developing countries had experienced issues in gaining access to vaccinations during the pandemic and that Member States might have different priorities in that regard.

4.14 The Republic of Korea informed the Committee of its intention to submit a proposal of new output to FAL 47 on this matter, taking into account the above recommendations.

4.15 The Committee approved the amendments to the annex of the FAL Convention, as set out in annex 2, for circulation in accordance with article VII(2)(a) of the Convention with a view to adoption at FAL 47 and instructed the Secretariat accordingly.

5 APPLICATION OF SINGLE WINDOW CONCEPT

New GISIS module on single window application

5.1 The Committee recalled that FAL 45 had approved the *Guidelines for setting up a maritime single window* (MSW Guidelines) (FAL.5/Circ.42/Rev.1) and the development of a GISIS module to replace annex A of the Guidelines, in order to provide updated information on MSW and other related single windows implemented by Member States; and had requested the Secretariat to set up the new module.

5.2 Having noted that the aforementioned new GISIS module "Application of the single window concept" was available for testing, the Committee:

- .1 invited interested Member States to contact the Secretariat (alsec@imo.org) to participate in the testing of the module; and
- .2 encouraged Member States to provide information once the module was operational to facilitate the sharing of best practices and support the Secretariat in monitoring the progress of single window implementation in the maritime environment globally to better target IMO technical assistance.

Amendments to the MSW Guidelines

5.3 The Committee considered document FAL 46/5/1 (IAPH, BIMCO and IHMA), proposing amendments to the MSW Guidelines (FAL.5/Circ.42/Rev.1) with the purpose of including guidance on the port call process and the operational and nautical data that may be exchanged through the MSW.

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

- .1 the exchange of operational and nautical data was considered key to optimizing the port call and for the implementation of just-in-time arrival;
- .2 detailed consideration was needed to identify the precise operational and nautical data to be included in the scope of the MSW, also taking into account that port community systems and MSW had different objectives; and
- .3 Member States were encouraged to assist countries that might face challenges to implement the MSW by 2024, as required by the new amendment to the FAL Convention adopted at FAL 46.

5.5 The Committee supported, in general, the amendments proposed in document FAL 46/5/1, and agreed to review the MSW Guidelines accordingly, including the replacement of the content of annex A with a reference to the new GISIS module.

Improvement of quality and availability of nautical data

5.6 The Committee noted the information provided in document FAL 46/INF.3 (IHMA) on a *Guide for Nautical Data* developed by IHMA, IAPH and International Taskforce Port Call Optimization, which aimed to support hydrographic offices and port authorities to discharge their collective responsibilities under SOLAS chapter V, regulation 9.

Research on a single window-based extensible platform for supporting container inspection to realize an automated port

5.7 The Committee noted the information provided by the Republic of Korea in document FAL 46/INF.2, sharing its experience on container inspection information-based data processing and the standards for developing container inspection information to support container inspection.

Establishment of the Working Group on Electronic Business

5.8 The Committee established the Working Group on Electronic Business, chaired by Mr. Mikael Renz (Sweden), and instructed it, taking into account document FAL 46/5/1 and the 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/Rev.1).

Report of the Working Group

5.9 Having considered the relevant part of the Working Group's report (FAL 46/WP.5), the Committee approved the *Revised guidelines for setting up a maritime single window* (FAL.5/Circ.42/Rev.2).

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

Sustainability of the IMO Compendium on Facilitation and Electronic Business

6.1 The Committee recalled that FAL 45:

- .1 had approved FAL.5/Circ.44 on *IMO Compendium on Facilitation and Electronic Business* and a revised priority list of data sets; and
- .2 had requested the Secretariat to liaise with the partner organizations of the MoU (UNECE, WCO and ISO) 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 subsequent session of the Committee, as appropriate.

6.2 The Committee, when considering document FAL 46/6 (Secretariat), was informed that:

- .1 the Secretariat had explored, during 2021, the set-up of a project that would cover the maintenance and extension costs of the Compendium over five years (2022-2026) and reduce the workload of the partner organizations (UNECE, WCO and ISO). After this period, the FAL Committee would be in a good position to assess the use and benefits of the Compendium and decide on the way forward; and
- .2 the costs of 2022, which included the new version of the Compendium to be approved by FAL 46 (five new data sets have been submitted) and the improvement of the user friendliness of the Compendium publications, had been covered by funds provided by Germany (€15,000.00) and by the IMO TCD Maritime Development and Blue Economy global programme (US\$50,000.00).

6.3 The Committee expressed its gratitude to Germany for providing funds for 2022 for the *Project on the IMO Compendium on Facilitation and Electronic Business* and encouraged Member States and international organizations to provide funds for the Project for the period 2023-2026 to guarantee the sustainability of this initiative.

6.4 The Committee further noted the information provided in document FAL 46/6/1 (Secretariat) reporting on the outcome of the meeting of the partners of the IMO Compendium (UNECE, WCO and ISO) to discuss the cooperation arrangements and involvement to deliver new versions of the IMO Compendium. In this sense, the partners had reaffirmed their wish to continue the good cooperation with IMO and to continue being involved in the maintenance and further extension of the Compendium, when of interest to them. The partners had agreed further that the Partnership Agreement was still valid.

6.5 The Committee noted with appreciation the offer of Finland to support the project on the IMO Compendium in 2023 with €15,000.00.

New version of the IMO Compendium on Facilitation and Electronic Business

6.6 The Committee recalled that FAL 45 had approved:

- .1 an updated priority list of data sets to prioritize the work of IMO Expert Group on Data Harmonization;
- .2 the revised terms of reference of the IMO Expert Group on Data Harmonization; and
- .3 two meetings of EGDH in 2022, the first one to be held back to back with FAL 46, if possible, and the second to be held in the second half of 2022.

Reports of the Expert Group on Data Harmonization

6.7 The Committee noted with appreciation the reports of EGDH (FAL 46/6), and in particular the work carried out by its Chair, Mr. Mikael Renz (Sweden).

6.8 Having considered document FAL 46/6 and the actions requested, the Committee:

- .1 noted the discussion on the need to limit changes to existing data elements of the IMO Reference Data Model and that any changes should be backwards compatible (EGDH 4/18, paragraph 3.5);
- .2 noted the recommendation not to include the data elements "radio station name" and "radio station frequency" (EGDH 4/18, paragraph 3.6);
- .3 noted the discussion on electronic bill of lading and the possibility of considering a related data set for inclusion in the IMO Compendium (EGDH 4/18, paragraph 3.8);
- .4 noted the instruction to the Secretariat to consult with the World Meteorological Organization about definitions and about any existing standard for reporting of weather conditions from ships (EGDH 4/18, paragraph 3.14);

- .5 noted the discussion on the need to align data elements related to certificates with the work already done on the "Ship certificates data set" (EGDH 4/18, paragraph 4.5);
- .6 noted the progress made on the data related to "Ship registry and company details" (EGDH 4/18, paragraph 5.4 and annex 4);
- .7 noted the links between the data sets on "Ship certificates", "Ship registry and company details", "Audits and surveys" and "Port State control inspection history data" and the efforts made by EGDH to reuse data elements (EGDH 5/12, paragraphs 3.1, 5.1 and 6.4);
- .8 noted the discussion on the creation of a unique identifier of a PSC inspection and invite the III Sub-Committee to examine the matter (EGDH 5/12, paragraph 6.5); and
- .9 noted the discussion on the development of a code list on crew rank or rating and the additional use cases (EGDH 5/12, paragraph 8.2).

6.9 The Committee also agreed to forward document FAL 46/6 to the Working Group on Electronic Business for detailed consideration, in particular the issues identified in paragraph 4 of the document.

6.10 The Committee noted that the modelling of the decisions made by EGDH 4 and EGDH 5 had been carried out by the modelling team (UNECE, WCO, Australia, Norway, EC, ISO, BIMCO, IACS, IPCSA and the IMO Secretariat) in separate meetings from May 2021 to January 2022, and expressed its gratitude for the work done. The outcome of the modelling work was presented to the Committee in documents FAL 46/6/2, FAL 46/6/3 and FAL 46/6/4.

6.11 In the ensuing discussion, the Committee noted that the III Sub-Committee could be invited to comment on the dataset on PSC history, following approval of the data set by the FAL Committee and its inclusion in the IMO Compendium.

6.12 The Committee also noted that in order to facilitate the review of the new version of the IMO Compendium, the Secretariat had prepared document FAL 45/WP.8 based on the outcome of the EGDH meetings and of the modelling work.

6.13 The Committee agreed to forward documents FAL 46/6/2, FAL 46/6/3, FAL 46/6/4 and FAL 46/WP.8 to the Working Group on Electronic Business for detailed consideration.

IMO data set related to "Electronic Bill of Lading"

6.14 The Committee considered document FAL 46/6/5 (BIMCO) proposing to include a data set related to the electronic bill of lading (eB/L) data into the IMO Compendium.

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

- .1 the general adoption of the electronic bill of lading was a step forward in the simplification and digitalization of international trade;
- .2 the work on the electronic bill of lading in the context of the IMO Compendium needed to be undertaken in consistency with the UN/CEFACT and WTO standards; and

-
- .3 the technical solutions developed should be simplified and harmonized in order to ensure an open, interoperable and accessible framework for all operators.

6.16 The Committee agreed to forward document FAL 46/6/5 to the Working Group on Electronic Business for detailed consideration and advice on its inclusion in the priority list of data sets to be examined by the EGDH.

Advance Passenger Information (API) and Passenger Name Record (PNR) data sets for cruise ships and other maritime modes (FAL 46/6/6)

6.17 The Committee considered document FAL 46/6/6 (WCO, New Zealand and Japan) requesting to add the Maritime API and PNR data sets to the EGDH's priority list for inclusion in the IMO Compendium once the WCO Passenger Facilitation and Control Working Group (PFCWG) had completed its work.

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

- .1 appreciation was expressed to WCO for the work of the WCO PFCWG and for the collaboration with the IMO Secretariat;
- .2 developing maritime API and PNR data sets for cruise ships was crucial for authorities' risk management and to achieve and ensure facilitation of passenger clearance and appropriate border control;
- .3 data required from maritime operators should not go beyond what existed in the aviation domain;
- .4 focus should first be on the alignment of any API requirements with the FAL forms to avoid duplication of transfer of data and adhere to the single window principle; and
- .5 the concept of PNR data was not adapted to the maritime sector. The extension of API with booking information could be examined at a later stage considering the security context.

6.19 The Committee agreed to forward document FAL 46/6/6 to the Working Group on Electronic Business for detailed consideration and advice on its inclusion in the priority list of data sets to be examined by the EGDH.

Instructions to the Working Group on Electronic Business

6.20 The Committee instructed the Working Group on Electronic Business established under agenda item 5, taking into account documents FAL 46/WP.8, FAL 46/6, FAL 46/6/2, FAL 46/6/3, FAL 46/6/4, FAL 46/6/5 and FAL 46/6/6 and the comments made and decisions taken in plenary, to:

- .1 finalize the new version of the IMO Compendium on Facilitation and Electronic Business; and
- .2 advise on the new data sets to be included in the priority list of data sets.

Report of the Working Group

6.21 Having considered the relevant part of the Working Group's report (FAL 46/WP.5), the Committee took action as indicated in the following paragraphs.

6.22 The Committee approved FAL.5/Circ.45 on *IMO Compendium on Facilitation and Electronic Business*.

6.23 The Committee agreed to inform the III Sub-Committee about the approval of the new data set on "Port State control inspection history data" and, having recalled that EGDH 5 had discussed the creation of a unique identifier of a port State control inspection which could be beneficial for the electronic exchange of data between port States, but that EGDH 5 did not consider further this topic because this task was outside the remit of the Group, invited the III Sub-Committee to examine the possibility of creating a unique identifier of a port State control inspection.

6.24 The Committee also approved the revised priority list of data sets, including the electronic bill of lading, API and PNR data sets, proposed in documents FAL 46/6/5 and FAL 46/6/6, as set out in annex 3.

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 45:

- .1 had 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; and
- .2 had instructed the Correspondence Group to 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.

7.2 The Committee noted, with appreciation, the report of the aforementioned Correspondence Group (FAL 46/7), and in particular commended the work carried out by its coordinator, Mr. Gavin Yeo (Singapore).

7.3 In line with the suggestion made by the Correspondence Group, the Committee referred document FAL 46/7 to the Working Group on Electronic Business with a view to finalizing the guidelines on authentication, integrity and confidentiality of information exchanges via maritime single windows and related services.

Instructions to the Working Group on Electronic Business

7.4 The Committee instructed the Working Group on Electronic Business, already established under agenda item 5, taking into account document FAL 46/7 and the comments and decisions made in plenary, to finalize the guidelines on authentication, integrity and confidentiality of information exchanges via maritime single windows and related services.

Report of the Working Group

7.5 Having considered the relevant part of the Working Group's report (FAL 46/WP.5), the Committee approved the *Guidelines on authentication, integrity and confidentiality of information exchanges via maritime single windows and related services and associated circular* (FAL.5/Circ.46).

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

8.1 The Committee recalled that FAL 43 had agreed to:

- .1 include in its biennial agenda and the provisional agenda for FAL 44 output 2.11, "Consideration of descriptions of Maritime Services in the context of e-navigation", as an associate organ in the existing output;
- .2 invite MSC to instruct NCSR 7 to report to FAL 44 on the outcome of its work on output 2.11; and
- .3 establish a Correspondence Group to Review the Descriptions of Maritime Services related to the FAL Committee, under the coordination of Norway.

8.2 The Committee further recalled that FAL 45, taking into account the time limitations during the remote session, had agreed to postpone the consideration of this agenda item and the report of the Correspondence Group (FAL 44/8) to FAL 46.

8.3 Before considering document FAL 44/8 (Norway), the Committee considered documents FAL 44/2/1 and FAL 44/2/2 (Secretariat) on the outcome of MSC 101 and NCSR 7 relevant to this agenda item and noted that:

- .1 MSC 101 had adopted resolution MSC.467(101) on *Guidance on the definition and harmonization of the format and structure of Maritime Services in the context of e-navigation*, and approved MSC.1/Circ.1610 on *Initial descriptions of Maritime Services in the context of e-navigation*;
- .2 MSC 101 had endorsed the action taken by NCSR 6 in inviting the FAL Committee to consider the descriptions of Maritime Services 4 (Port support service) and 8 (Vessel shore reporting) and provide comments and advice on the best way forward;
- .3 NCSR 7 had continued discussions on how to progress the harmonized development of Maritime Service descriptions further; and
- .4 NCSR 8 had postponed consideration of the agenda item "Consideration of descriptions of Maritime Services in the context of e-navigation".

Report of the Correspondence Group to Review the Descriptions of Maritime Services related to the FAL Committee

8.4 The Committee noted with appreciation the report of the Correspondence Group to Review the Descriptions of Maritime Services related to the FAL Committee (FAL 44/8), in particular the work carried out by its coordinator, Mr. Jon Leo Ervik (Norway).

8.5 Since the work by the Correspondence Group had been finalized some time ago and additional information had become available, the Committee agreed to discuss one by one the five Maritime Services reviewed by the Correspondence Group instead of going through the actions requested by the Correspondence Group in the report.

Maritime Service 4 (Port support service)

8.6 When considering the description of Maritime Service 4, the Committee noted that document FAL 46/8 (IHMA) was proposing substantive amendments to the description of Maritime Service 4 of the Correspondence Group. In this regard, the Committee also noted, inter alia, the following views:

- .1 taking into account document FAL 46/8 (IHMA) and the workload of the Working Group on Electronic Business, the description of Maritime Service 4 could be finalized at the next session; and
- .2 the description of Maritime Service 4 should take into account the work on the IMO Compendium.

8.7 The Committee agreed to forward documents FAL 44/8 (Norway) and FAL 46/8 (IHMA) on the description of Maritime Service 4 to the Working Group on Electronic Business for consideration and advise on the way forward.

Maritime Service 6 (Pilotage service)

8.8 The Committee noted the decision of the Correspondence Group that no further work was required for Maritime Service 6 and the discussion in relation to the booking of pilot services in paragraph 12 of the Correspondence Group report.

Maritime Service 7 (Tug service)

8.9 The Committee agreed to forward the description of Maritime Service 7 to the Working Group on Electronic Business for finalization.

Maritime Service 8 (Vessel shore reporting)

8.10 The Committee, having considered document FAL 46/8/1 (Secretariat) proposing updating the description of Maritime Service 8 (Vessel shore reporting) to reflect the progress made by the FAL Committee on the IMO Compendium since the finalization of the work by the Correspondence Group and, in particular, to add a reference to the new IMO data set on "Ship reporting systems (resolution A.851(20))", agreed to forward the description of Maritime Service 8 to the Working Group on Electronic Business for update and finalization, taking into account document FAL 46/8/1 (Secretariat). As regards Maritime Service 8, the Committee also noted the view that it was important to emphasize the distinction between vessel shore reporting and ship reporting systems, since they had different aims, senders and receivers.

Maritime Service 10 (Maritime assistance service)

8.11 The Committee agreed to forward the description of Maritime Service 10 to the Working Group on Electronic Business for finalization.

Other issues raised by the Correspondence Group

8.12 The Committee agreed to instruct the Working Group on Electronic Business to consider any other relevant issue raised by the Correspondence Group and advise on the way forward.

8.13 The Committee agreed to extend the target completion year of this output which was set in 2022 until 2023.

Instructions to the Working Group on Electronic Business

8.14 The Committee instructed the Working Group on Electronic Business established under agenda item 5, taking into account documents FAL 44/8, FAL 46/8 and FAL 46/8/1 and the comments made, and decisions taken in plenary, to:

- .1 finalize the revised descriptions of Maritime Service 7, Maritime Service 8 and Maritime Service 10 and advise the Committee accordingly;
- .2 consider the description of Maritime Service 4 and any other issues raised in the report of the Correspondence Group and advise the Committee accordingly; and
- .3 submit a report in time for consideration at FAL 47.

Report of the Working Group

8.15 Having considered the relevant part of the Working Group's report (FAL 46/WP.5), the Committee took action as indicated in the following paragraphs.

Maritime Services 7, 8 and 10

8.16 The Committee approved the description of Maritime Service 7 (*Tug service*), Maritime Service 8 (*Vessel shore reporting*) and Maritime Service 10 (*Maritime assistance service*), as set out in annexes 4, 5 and 6, respectively.

8.17 The Committee noted the discussions on the importance of highlighting the key role of the IMO Compendium in supporting harmonization of the electronic data exchange and the opportunities of an IMO digitalization project.

8.18 The Committee encouraged harmonization and standardization through collaboration as Members developed their MSW solutions using the IMO Compendium as a basis, through a number of international projects coordinated through, for example, IMO.

Terms of reference of the Correspondence Group on the Development of Guidelines on Operational Port Data

8.19 Having considered the recommendation of the Working Group on Electronic Business on the description of Maritime Service 4 (*Port support service*), the Committee agreed to establish the Correspondence Group on the Development of Guidelines on Operational Port Data, and instructed the Group, under the coordination of Singapore,¹ to:

- .1 review the description of Maritime Service 4 (*Port support service*) using document FAL 44/8 as a basis and taking into account the amendments proposed in document FAL 46/8, as well as the development of the IMO Compendium and submit a revised version to FAL 47; and
- .2 submit a report in time for consideration at FAL 47.

¹ **Coordinator:**
Mr Gavin Yeo
Assistant Director (Sectoral Systems Development)
Maritime and Port Authority of Singapore
Email: IMO_CG@mpa.gov.sg

8.20 The Committee agreed to extend the target completion year of this output which was set in 2022 until 2023.

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

9.1 The Committee recalled that the Correspondence Group on Developing Guidelines on Electronic Signature Systems and Operational Port Data for the Purpose of Digital Information Exchange was instructed by FAL 45 to develop guidelines on harmonized communication and electronic exchange of operational data for port calls, as recognized in the IMO Reference Data Model, taking into account the discussions at FAL 45, for consideration by FAL 46.

9.2 The Committee noted with appreciation the report of the Correspondence Group (FAL 46/7) and referred it to the Working Group on Electronic Business to consider the re-establishment of the Correspondence Group and, if appropriate, review its terms of reference to work intersessionally with a view to finalizing the guidelines on harmonized communication and electronic exchange of operational data for port calls by FAL 47.

Instructions to the Working Group on Electronic Business

9.3 The Committee instructed the Working Group on Electronic Business, taking into account document FAL 46/7 and the comments and decisions made in plenary, to consider whether it was necessary to re-establish a correspondence group on guidelines on harmonized communication and electronic exchange of operational data for port calls and, if so, prepare terms of reference for consideration by the Committee.

Report of the Working Group

9.4 Having considered the relevant part of the Working Group's report (FAL 46/WP.5), the Committee agreed to add the following to the terms of reference of the Group set out in paragraph 8.14:

- .1 continue developing guidelines for harmonized communication and electronic exchange of operational data for port calls with a view to finalizing at FAL 47; and
- .2 take into consideration the IMO Compendium on Facilitation and Electronic Business as necessary.

9.5 The Committee noted the information provided by the Chief of the Department of Partnerships and Projects (DPP) of the Organization in respect of the ongoing initiatives supporting digitalization such as:

- .1 the Single Window for Facilitation of Trade (SWiFT) Project;
- .2 the MSW project in Fiji with the funding assistance of the World Bank; and
- .3 a proposal for a flagship IMO project to address the needs of developing countries when it comes to digitalization, developed by the Maritime Safety Division with the support of TCD and DPP. A summary of the IMO digitalization project proposals is set out in annex 7.

In order to implement this initiative to support a future-ready shipping, the next step for the Organization was to seek donor support for this very innovative and transformational project. Potential donors and recipients were invited to contact the Secretariat.

9.6 The delegations of Singapore, ISO and BIMCO expressed appreciation and interest for these initiatives and highlighted in particular the positive impact of an IMO project in supporting digitalization needs of Member States and on improving harmonization efforts in line with the various strategic directions under the strategic plan of the Organization.

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

10.1 The Committee recalled that FAL 42 had agreed to include in the 2018-2019 biennial agenda of the Committee and the provisional agenda for FAL 43 an output on "Development of amendments to the Recommendations on the establishment of national facilitation committees (FAL.5/Cir.2)" but had postponed the agenda item at FAL 44 and FAL 45, taking into account the time limitations during remote sessions.

10.2 The Committee also recalled that FAL 43 had noted the information from the Secretariat related to the creation of a database in the Facilitation Module in GISIS to collect the information on the national facilitation committees in a prototype testing phase; the Committee noted that the database had been released and the instructions on its use had been circulated as Circular Letter No.4555 on 5 May 2022.

10.3 The Committee recalled further that FAL 43 had agreed to modify the title of FAL.5/Circ.2 on *Guidelines for the establishment, membership and operation of national facilitation committees* to *Guidelines for national maritime transport facilitation committees and programmes*; had emphasized the importance of establishing national facilitation committees and programmes; had encouraged Member States to provide information on them in the new module of GISIS and effectively implement the FAL Convention; and had established a Correspondence Group on Guidelines for National Maritime Transport Facilitation Committees and Programmes (FAL 43/20, paragraph 11.12).

Consideration of the report of the Correspondence Group on Guidelines for National Maritime Transport Facilitation Committees and Programmes

10.4 The Committee noted with appreciation the work of the Correspondence Group on Guidelines for National Maritime Transport Facilitation Committees and Programmes (FAL 44/9) and gave special recognition to the work by its coordinator, Mr. Alper Keceli (Turkey).

10.5 The Committee considered document FAL 46/10 (INTERPORTPOLICE), taking reference from FAL 44/9 and proposing additional terms of reference for the national maritime transport facilitation committees.

10.6 In considering the proposal for expanding the terms of reference to the NTMFCs, the Committee agreed to forward this document to the working group.

Establishment of the Working Group on Other Facilitation Subjects

10.7 Upon consideration, the Committee established the Working Group on Other Facilitation Subjects, chaired by Mr. Watchara Chiemanukulkit (Thailand), and instructed it, taking into account documents FAL 44/9 and FAL 46/10 and the decisions, comments and proposals made in plenary, to complete the revision of the *Guidelines for national maritime transport facilitation committees and programmes*, with a view to approval by the Committee.

Report of the Working Group

10.8 Having considered the relevant part of the Working Group's report (FAL 46/WP.6), the Committee approved it in general and approved FAL.5/Circ.47 on *Guidelines for national maritime transport facilitation committees and programmes*.

11 UNSAFE MIXED MIGRATION BY SEA

11.1 The Committee recalled that FAL 44 and FAL 45 had postponed the consideration of this agenda item to this session (FAL 44/21/1, paragraph 1.16; and FAL 45/22, paragraph 12.1), and FAL 45 had agreed to extend its target completion year to 2022.

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

11.3 The Committee noted that MSC 104 had considered the proposal of Denmark for an MSC resolution to reiterate the importance of effective and timely involvement of Governments in cases of rescue of migrants at sea by merchant ships. MSC 104, taking into account the various views and suggestions, agreed to postpone further consideration of the matter to MSC 105 and invited Member States to submit comments to that session, with a view to finalizing the resolution then. MSC 105, due to time constraints, had postponed the consideration of this agenda item, including documents MSC 105/10 (Secretariat) and MSC 105/10/1 (Denmark and Italy), to MSC 106.

11.4 The Committee agreed to extend this output until 2023, with the aim of keeping the Committee informed of the issue of mixed migration.

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

12.1 The Committee recalled that FAL 44 and FAL 45 had postponed the consideration of this agenda item to this session (FAL 44/21/1, paragraph 1.16; and FAL 45/22, paragraph 13.1).

Consideration and analysis of reports and information on stowaways

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

Year	2013	2014	2015	2016	2017	2018	2019	2020	2021
Number of incidents	70	61	28	55	63	47	55	54	50
Number of stowaways	203	120	80	163	157	182	138	55	96

12.3 The Committee noted that the number of reports received by the Organization since FAL 43 was 159, which involved 289 stowaways; and the total number of reports until 31 December 2021 was 4,783, which involved 14,741 stowaways.

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

12.5 Having recalled that the statistics published by IMO presented lower figures of stowaways than the figures reported by the P & I Clubs from the claims data collated by them on stowaway cases in the policy years 2007, 2011, 2014 and 2017, as referred to in the report of FAL 43 (FAL 43/20, paragraphs 13.3 to 13.6), the Committee invited the P & I Clubs to present information on stowaway cases, as this was an effective information source to understand the complexity of stowaway incidents.

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

12.6 The Committee noted that since the date of the launch of the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS² on 6 July 2015, only 32 incidents had been entered in the database by three Member States.

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

13 GUIDANCE TO ADDRESS MARITIME CORRUPTION

13.1 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.

13.2 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, had 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.

13.3 The Committee recalled further that FAL 45 had considered the proposal to establish a GISIS module on maritime corruption to support technical cooperation assistance (FAL 45/14) and the interim work done by the Correspondence Group on Guidance to Address Corruption (FAL 45/14/1), and had re-established the Correspondence Group on Guidance to Address Maritime Corruption.

13.4 The Committee noted that TC 71 had agreed to discuss the capacity-building and training programme on combating maritime corruption at TC 72, taking into consideration the information provided in TC 71/15, the associated comments as set out in TC 71/1/2/Add.1, and the related discussion and decisions at FAL 46.

² Refer to Global Integrated Shipping Information System (GISIS) – Inter-agency platform for information-sharing on migrant smuggling by sea (Circular Letter No.3569).

Consideration of the report of the Correspondence Group on Guidance to Address Maritime Corruption

13.5 The Committee noted with appreciation the work of the Correspondence Group on Guidance to Address Maritime Corruption (FAL 46/13), and gave special recognition to the work by its coordinator, Mr. Rob Lomas (Marshall Islands).

Draft guidance to implement and adopt procedures against maritime corruption

13.6 The Committee noted the overwhelming support to finalize the draft guidance to implement and adopt procedures against maritime corruption.

GISIS module on maritime corruption to support further technical cooperation assistance

13.7 On the issues raised by the Correspondence Group on the GISIS module, the following views were expressed:

- .1 the objective of the GISIS module was to assist the Secretariat to liaise with Member States on possible technical cooperation assistance;
- .2 anonymity in the system was essential, and this was guaranteed whenever the information was kept in the Secretariat, and this would avoid any negative effect on whistle-blowers, port States or coastal States;
- .3 support was expressed for continuing to consider the implementation of the GISIS module, consulting the LEG Committee as necessary, taking into account the questions prepared by the Correspondence Group, and for encouraging Member States and international organizations to submit documents on a possible way forward to the next session of the FAL Committee;
- .4 the responsibility to address corruption incidents was under national legislation, and such reporting system went beyond IMO's remit;
- .5 the added value of a GISIS module outweighed the difficulties connected to its implementation, including the challenges to implement the system, and resources and legal implications for the Organization;
- .6 alternative solutions to address and raise awareness regarding maritime corruption should be considered, such as awareness campaigns, capacity-building and training programmes, and actions to be taken in coordination with other United Nations agencies and the industry; and
- .7 Member States should be encouraged to use the Maritime Anti-Corruption Network.

13.8 The Committee, having noted that the proposal on the GISIS module had been discussed at length at previous Committee meetings and by Correspondence Groups, and taking into account the unknown implications related to establishing a GISIS module on maritime corruption and the resources required to resolve issues related to establishing a corruption database, agreed not to establish at this stage a GISIS module on maritime corruption.

13.9 The Committee agreed further to encourage Member States and international organizations to consider and bring to the attention of the Committee any alternatives that could achieve similar results of providing technical cooperation assistance to reduce corruption, but without exposing IMO to liabilities. The Committee also agreed on the possibility of considering a GISIS module on maritime corruption in future sessions in light of the experience gained following the approval of the guidance on maritime corruption adopted by FAL 46.

Instructions to the Working Group on Other Facilitation Subjects

13.10 The Committee instructed the Working Group on Other Facilitation Subjects, taking into account document FAL 46/13, and decisions, comments and proposals made in plenary, to finalize the draft guidance to implement and adopt procedures against maritime corruption, with a view to approval by the Committee.

Consideration of the report of the Working Group

13.11 Having considered the relevant part of the Working Group's report (FAL 46/WP.6), the Committee approved FAL.5/Circ.48 on the *Guidance to implement and adopt procedures against maritime corruption*.

14 REGULATORY SCOPING EXERCISE FOR THE USE OF MARITIME AUTONOMOUS SURFACE SHIPS (MASS)

14.1 The Committee recalled that FAL 43 had agreed to include in its 2020-2021 biennial agenda an output on "Regulatory scoping exercise for the use of maritime autonomous surface ships (MASS)" with a target completion year of 2020.

14.2 The Committee recalled also that MSC 103 in May 2021 and LEG 108 in July 2021 had approved the respective outcome documents of the regulatory scoping exercises of the conventions under their purview, issued as documents MSC.1/Circ.1638 and LEG.1/Circ.11, respectively.

14.3 The Committee recalled further that MSC 104 had agreed:

- .1 to include in the 2022-2023 biennial agenda of the Committee and the provisional agenda for this session a new output on "Development of a goal-based instrument for maritime autonomous surface ships (MASS)", with a target completion year of 2025;
- .2 that the first step would be the finalization of a road map to have a common understanding of the work to be undertaken;
- .3 that the title of the output might need to be adjusted, based on the outcome of the discussions at MSC 105; and
- .4 that the ultimate goal would be the preparation of a mandatory instrument to address MASS operations and that, if time permitted, MSC 105 could also embark on the development of such instrument(s).

14.4 The Committee recalled also that FAL 45 had agreed to establish an intersessional working group on MASS to complete the regulatory scoping exercise (RSE) on the FAL Convention.

Report of the FAL Committee Intersessional Working Group on MASS

14.5 The Committee noted with appreciation the work of the FAL Committee Intersessional Working Group on Maritime Autonomous Surface Ships (MASS) (FAL 46/14) held remotely from 12 to 14 October 2021, gave special recognition to Mr. Henrik Tunfors (Sweden), approved the report in general and took action as outlined below.

14.6 The Committee noted that the Group had agreed:

- .1 not to consider the amendments to the FAL Convention approved by FAL 45 since they had not yet entered into force (FAL/ISWG/MASS 1/4, paragraph 3.2);
- .2 that any discussion beyond the respective committees' purview should be made in coordination with MSC and LEG, and by the joint MSC/LEG/FAL working group, if established (FAL/ISWG/MASS 1/4, paragraph 3.4);
- .3 on the need to consider new or amend existing non-mandatory provisions to complement the consideration of mandatory provisions, as necessary (FAL/ISWG/MASS 1/4, paragraph 3.12);
- .4 to invite Member States to submit proposals for new outputs on any future work on MASS (FAL/ISWG/MASS 1/4, paragraph 3.13);
- .5 to circulate the RSE through a FAL circular; and
- .6 on the "Outcome of the regulatory scoping exercise and gap analysis of FAL Convention with respect to MASS" (FAL/ISWG/MASS 1/4, paragraph 3.15 and the annex).

14.7 In considering the report of the Intersessional Working Group, which was supported by the Committee, the following views were expressed:

- .1 developing a binding instrument on MASS was the agreed option; however, a non-binding instrument was the first step to developing a binding instrument at a later stage;
- .2 the scope of work on the MASS instrument should be limited to defining goals and functional requirements for cargo ships, leaving passenger ships out for the time being;
- .3 degrees of autonomy 3 and 4 were not contemplated in the United Nations Convention on the Law of the Sea (UNCLOS) and, therefore, their possible entry into a coastal States' jurisdictional waters was subject to consent by coastal States; and
- .4 commercial voyages of MASS were now a reality, and therefore the development of an instrument on MASS was urgent.

14.8 The Committee approved the report of the Intersessional Working Group and, in particular, approved FAL.5/Circular.49 on *Outcome of the regulatory scoping exercise and gap analysis of FAL Convention with respect to MASS*.

Proposal for a new output to develop amendments to the FAL Convention or a new instrument related to maritime autonomous surface ship (MASS) operations

14.9 The Committee considered a proposal for a new output prepared by the United Arab Emirates in document FAL 46/21 to develop amendments to the FAL Convention or a new instrument related to maritime autonomous surface ship (MASS) operations.

14.10 In considering the proposal for the new output, the Committee noted the following views:

- .1 sharing of information must be considered in the light of the results of the RSE as a high-priority common gap to enable automated processes and safety and sustainability of maritime autonomous surface ships. Accordingly, the Committee should invite new proposals and documents covering also this common gap as related to the road map. One delegation proposed that document FAL 44/INF.5 be discussed in the Committee and possibly also in the Joint MSC-LEG-FAL Working Group because it included both information exchange and liability responsibilities that had not yet been discussed;
- .2 issues related to MASS in the FAL Convention were mainly administrative or procedural ones, and the consideration of goal-based approach for ships' degrees of autonomy was less relevant to the FAL Committee;
- .3 the road map to be developed in the next session of the Committee was a live document, subject to review and amendments as necessary; and
- .4 the new output should align with the work of other Committees, where possible.

14.11 Following the discussion, the Committee agreed to include in the 2022-2023 biennial agenda of the FAL Committee and the provisional agenda for FAL 47 an output on "Measures to address maritime autonomous surface ships (MASS) in the instruments under the purview of the Facilitation Committee", with a target completion year of 2025. The Committee invited Member States and international organizations to submit proposals and related documents on the next steps.

Establishment of a joint MSC-LEG-FAL working group on MASS

14.12 The Committee considered document FAL 46/14/1 by the Chairs of the Maritime Safety, Legal and Facilitation Committees proposing the establishment of, and terms of reference for, a joint MSC-LEG-FAL working group on MASS to consider common gaps and themes identified during the regulatory scoping exercises conducted by the three committees; and document FAL 46/14/2 (United Arab Emirates) proposing to include the development of a comprehensive road map as part of the draft terms of reference for the joint MSC-LEG-FAL working group on MASS.

14.13 In this respect, the Committee noted that the MSC, FAL and LEG Committee Chairs had invited the Committee to consider the establishment of a joint working group on MASS, with terms of reference as set out in the annex to document FAL 46/14/1, and for the Secretariat to make the necessary arrangements for the holding of the first meeting of the joint working group as soon as possible after C 127 in July 2022, subject to the approval of LEG, MSC, FAL and Council.

14.14 In this regard, the Committee noted that LEG 109 (March 2022) had considered the same proposal and, having highlighted in particular that it was not intended that such a joint working group would oversee, monitor or supervise the MASS work of the Organization, had subsequently:

- .1 agreed to amend the draft terms of reference for the joint working group to include a new sub-item which read: "develop a work plan taking into account the road maps developed and updated by the three Committees";
- .2 agreed, in order not to delay the establishment of the joint working group, that LEG would be content with the draft terms of reference as proposed in documents MSC 105/7/4, LEG 109/13/3 and FAL 46/14/1, in case MSC and FAL did not agree to the proposed amendment;
- .3 approved, subject to concurrent approval by MSC and FAL, the establishment of a joint MSC-LEG-FAL working group on MASS, to be convened as soon as possible after C 127 in July 2022; and
- .4 encouraged Member States and observer organizations to submit proposals on common issues to the joint working group.

14.15 In addition to the above, the Committee further noted that LEG 109 (March 2022) had agreed to include a new output in its work programme on "Measures to address maritime autonomous surface ships (MASS) in the instruments under the purview of the Legal Committee" in its biennial agenda, with a target completion year of 2025.

14.16 In this connection, the Committee also noted that MSC 105 (April 2022) had agreed to:

- .1 develop a non-mandatory goal-based code as a first step before proceeding to the development of a mandatory code;
- .2 the above non-mandatory code should initially cover cargo ships while also assessing the application to passenger ships with a view to considering detailed provisions for such ships at a later stage;
- .3 approved the *Road map for developing a goal-based code for MASS*, a living document, which might require regular updating and modification at the Committee's future sessions, with a view to the adoption and entry into effect of a non-mandatory MASS code in 2024, and the entry into force of a mandatory MASS code by 1 January 2028;
- .4 agreed to establish the first meeting of the Joint MSC-LEG-FAL Working Group on Maritime Autonomous Surface Ships (MASS) remotely from 7 to 9 September 2022, subject to concurrent approval by FAL 46 and C 127;
- .5 approved the draft terms of reference for the Joint Working Group on MASS, as revised by LEG 109, and subject to concurrent approval by FAL 46; and
- .6 established a MASS correspondence group to develop the non-mandatory MASS code to cargo ships, with a view to considering the feasibility for application to passenger ships at a future stage; the correspondence group would submit a written report to MSC 107 and the group coordinator would provide an oral status report at MSC 106.

14.17 Taking into account the above, the Committee:

- .1 approved the establishment of a Joint MSC-LEG-FAL Working Group on Maritime Autonomous Surface Ships (MASS);
- .2 agreed that the Joint MSC-LEG-FAL Working Group on MASS would serve as a cross-cutting mechanism to address common high-priority issues identified by the regulatory scoping exercises for the use of MASS conducted by the three Committees;
- .3 based on the outcome of the aforementioned regulatory scoping exercises and the recommendations of the Committees, instructed the Joint MSC-LEG-FAL Working Group on MASS, to:
 - .1 develop a work plan, taking into account the road maps developed and updated by the three Committees;
 - .2 address the common issues³ identified by the three Committees; and
 - .3 provide advice to the Committees after every meeting; and
- .4 agreed to hold the first meeting of the Joint MSC-LEG-FAL Working Group on MASS remotely from 7 to 9 September 2022, subject to endorsement by C 127.

15 DEVELOPMENT OF GUIDELINES FOR THE PREVENTION AND SUPPRESSION OF THE SMUGGLING OF WILDLIFE ON SHIPS ENGAGED IN INTERNATIONAL MARITIME TRAFFIC

15.1 The Committee recalled that FAL 44 had agreed to include a new output in its 2020-2021 biennial agenda on "Development of guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic", with a target completion year of 2023.

Considerations on guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international traffic

15.2 The Committee considered document FAL 46/15 (Brazil et al.) providing draft guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic for consideration, with a proposal that they be adopted by the Committee, with a provision for a periodic review to reflect emerging issues and changes in policy.

15.3 The Committee also considered document FAL 46/15/1 (United States) supporting the proposed guidelines and the proposal that the adopting resolution provide for periodic review of the guidelines in document FAL 46/15.

15.4 The Committee noted the overwhelming support received and thanked Kenya for its initiative and leadership in drafting the guidelines, and the authors of the document in contributing to the text.

³ Based on MSC.1/Circ.1638, LEG.1/Circ.11 and FAL.5/Circ.49.

- 15.5 In the ensuing discussion, the Committee noted the following views:
- .1 the guidelines identified how the maritime transport sector could detect and notify the cases to combat this form of trafficking;
 - .2 support was expressed for collaborative multilateral initiatives to protect endangered plants and wildlife against poaching;
 - .3 there was a need to ensure compliance with international law, in particular with regard to references to national legislation;
 - .4 there was a need to ensure consistency with UNCLOS with regard to the exercise of national law in relation to smuggling and inspection of vessels in transit, taking into account that some States might not be Parties to UNCLOS;
 - .5 there was a need for cooperative effort across Member States and all stakeholders along the illicit wildlife trade chain to be fully aware of their roles in order to successfully repress illicit wildlife trade; and
 - .6 Member States were encouraged to work with government and public sector agencies to help proper implementation.

Instructions to the Working Group on Other Facilitation Subjects

15.6 The Committee instructed the Working Group on Other Facilitation Subjects, taking into account document FAL 46/15, and the decisions, comments and proposals made in plenary, to finalize the guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic, or if time constraints made it unfeasible to finalize the guidelines at this session, advise the Committee on a way forward.

Consideration of the report of the Working Group

15.7 Having considered the relevant part of the Working Group's report (FAL 46/WP.6), the Committee approved FAL.5/Circ.50 on the *Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic*.

15.8 The Committee noted that the implementation of the Guidelines must be in accordance with international law, in particular, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the United Nations Convention against Transnational Organized Crime (UNTOC) and UNCLOS.

15.9 With regard to the reference to UNCLOS in the Guidelines, the Committee noted further that this did not affect the position of States that were not Parties to UNCLOS.

15.10 The delegation of Argentina expressed its support for the Guidelines and recognized Kenya for its leadership and the Chair of the Working Group. It mentioned that the Guidelines contained references to some non-binding documents that were not of a global nature. Nevertheless, that delegation was satisfied that the Working Group and the Committee had noted that the Guidelines were to be applied in accordance with international law, including CITES and UNTOC, which were the instruments establishing international illicit acts, as well as UNCLOS. Argentina expressed the understanding that such conformity with international law included the definitions of "wildlife" and "trafficking in wildlife", and that the reference to national legislation, in this context, referred to internal laws restricting exports, and that the

Guidelines would be applied by the State of origin of the threatened species. Argentina also suggested that the Secretariat, when including and updating the links to useful material in the annex to the Guidelines on the IMO website, would also provide, whenever available and possible, the links to that same material in the IMO official languages. The Chair indicated this possibility would be explored by the Secretariat.

Inclusion of combating illicit activities within national maritime transport programmes in the FAL Convention

15.11 The Committee recalled its decision to include a reference to combating illicit activities when defining the objective of the national maritime transport facilitation programmes into Recommended Practice 7.11 of the FAL Convention (paragraphs 4.7, 4.8 and 4.10).

16 INTRODUCTION OF THE API/PNR CONCEPT IN MARITIME TRANSPORT

16.1 The Committee recalled that FAL 45 had 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.

16.2 The Committee also recalled that document FAL 46/6/6 (Japan, New Zealand and WCO), related to this agenda item, had been discussed under agenda item 6 (paragraphs 6.17 to 6.19, and 6.24).

16.3 The Committee considered document FAL 46/16 (WCO, Japan and New Zealand) and noted the information on the progress made on the WCO initiatives to develop measures for passenger facilitation and control in the maritime environment in general, and for cruise ships and later ferries in particular, through the use of standardized Advance Passenger Information (API) and Passenger Name Record (PNR) like data; and on the cooperation between WCO and IMO in this area.

16.4 The Committee also noted the possibility of a future request from WCO and other Member States to amend the FAL Convention to include the Maritime API and PNR requirements.

16.5 In this connection, the Committee noted the view expressed by one delegation that the concept of PNR was not adapted to the maritime domain and that only the use of "booking information" should be considered.

16.6 The Committee requested the Secretariat to continue attending the WCO Passenger Facilitation and Control Working Group (PFCWG) meetings, and encouraged Member States to consider attending the meetings as well and share their national interests and practices, including existing cooperation, and exchange of information with relevant entities in the area of cruise ship passenger facilitation and control.

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

17.1 The Committee noted that no documents had been submitted under the current item, or in the last two sessions of the Committee. Therefore, the Committee invited Member States to submit proposals and related documents to FAL 47; otherwise, the Committee would consider the possibility of deleting this output at the next session.

18 TECHNICAL COOPERATION ACTIVITIES RELATED TO FACILITATION OF MARITIME TRAFFIC

18.1 The Committee considered document FAL 46/18 (Secretariat), reporting on the status of activities relevant to the implementation of the FAL Convention, conducted under ITCP in the period from December 2019 to December 2021, and noted the following activities:

- .1 MSW project in Fiji with the funding support of World Bank Group;
- .2 Single Window for Facilitation of Trade (SWiFT) project, with the financial and technical support of Singapore launched as a pilot project to implement a maritime single window system in medium-sized ports to establish an efficient digitalized system for electronic exchange of information in ports for ship clearance. The project began its pilot phase with the Port of Lobito (Angola), before being scaled up to benefit more countries in the next phase;
- .3 implementation of the FAL Convention Programme in the Latin American region;
- .4 Port Community System for Nigerian ports;
- .5 webinars for implementation of the FAL Convention, as follows:
 - .1 the national webinar in Tanzania on facilitation of international maritime traffic, focusing in particular on the concept, processes and procedures for using electronic data interchange techniques in the single window for clearance of ships, persons and cargoes;
 - .2 the national webinar in Brunei Darussalam on the FAL Convention and the Benefits of its Effective Implementation, funded by Brunei Darussalam, to promote understanding of the FAL Convention, the benefits of effective implementation and the ratification process of the FAL Convention; and
 - .3 the regional webinar for Africa and Arab States/Mediterranean, to promote the ratification and effective implementation of the FAL Convention.

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

19 RELATIONS WITH OTHER ORGANIZATIONS

19.1 In considering document FAL 46/19 (Secretariat), the Committee noted the relevant decisions of A 32, C 124 and C/ES.34 with regard to relations with non-governmental organizations, applications for consultative status and related matters.

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

20.1 The Committee noted that MSC 101 and MEPC 75 had approved MSC-MEPC.1/Circ.5/Rev.2 on *Organization and method of work of the Maritime Safety Committee and the Marine Environment Protection Committee and their subsidiary bodies*.

21 WORK PROGRAMME

Proposal for new outputs

Proposal to add a new output related to maritime autonomous surface ship (MASS) operations

21.1 The Committee recalled its previous decisions to include in the 2022-2023 biennial agenda of the FAL Committee and the provisional agenda for FAL 47 an output on "Measures to address maritime autonomous surface ships (MASS) in the instruments under the purview of the Facilitation Committee", with a target completion year of 2025 (see paragraph 14.11).

Proposal for developing guidelines on port community systems

21.2 The Committee considered document FAL 46/21/1 (Djibouti et al.), proposing to develop measures for developing guidelines on port community systems (PCS), and noted the concerns expressed by some delegations that the development of PCS guidelines should not create a new standard system different to the maritime single window; in this regard, the Committee noted the comment made by one delegation that the PCS guidelines would be a complementary instrument to the maritime single window system, similarly to other existing single windows, such as the customs single window, and it could help to connect maritime single windows of different countries.

21.3 Following consideration of the proposal, the Committee agreed to include in the 2022-2023 biennial agenda of the FAL Committee and the provisional agenda for FAL 47 an output on "Development of guidelines on port community systems", with a target completion year of 2024.

Endorsement of new outputs

21.4 In accordance with the relevant provisions of the *Application of the Strategic Plan of the Organization* (resolution A.1111(30)), the Committee invited C 127 to endorse the inclusion of the following two new outputs in the biennial agenda for 2022-2023:

- .1 Measures to address maritime autonomous surface ships (MASS) in the instruments under the purview of the Facilitation Committee (see paragraph 14.11); and
- .2 Development of guidelines on port community systems (see paragraph 21.3).

Biennial status report of the Facilitation Committee

21.5 The Committee endorsed the status of outputs for the 2022-2023 biennium, which had been prepared by the Secretariat in consultation with the Chair, and accordingly invited C 127 to note the report on the status of outputs of the Facilitation Committee, as set out in annex 8.

Post-biennial agenda of the Committee

21.6 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 127 to note its post-biennial agenda, as set out in annex 9.

Proposals for meeting weeks for the biennium 2024-2025

21.7 The Committee recalled that FAL 40 had agreed to meet in future in regular sessions once a year, and to reduce the meeting days of the Committee to four days with eight associated interpretation sessions, applicable from FAL 41 and to subsequent sessions of the Committee, and that the duration of the sessions would be reviewed periodically, taking into account the workload of the Committee.

21.8 The Committee recalled further that FAL 42, noting that the arrangement of four-day meetings did not give enough time for working groups to complete their work, agreed that subsequent meetings of the Committee should last five days with eight associated interpretation sessions. This decision would be applicable to FAL 43 and subsequent sessions of the Committee, and the duration of the sessions would be reviewed periodically, taking into account the workload of the Committee.

21.9 The Committee agreed to hold one meeting in 2024 and one meeting in 2025 (five days with eight associated interpretation sessions for each meeting) and invited the Secretary-General to take this into account when preparing relevant budgetary proposals for the 2024-2025 biennium for consideration by the Council, with a view to approval by the thirty-third regular session of the Assembly in November 2023.

Intersessional meetings

21.10 The Committee recalled that FAL 45 had approved the holding of the following intersessional meetings in 2022 which had been endorsed by C/ES.34:

- .1 the sixth meeting of EGDH, to be held back to back with FAL 46; and
- .2 the seventh meeting of EGDH, to be held in the second half of 2022;

and noted that EGDH 7 had been scheduled to take place from 24 to 28 October 2022.

21.11 In addition, the Committee approved the following intersessional meetings of the Expert Group on Data Harmonization to be held in 2023, one of them back to back with FAL 47, if possible, subject to endorsement by C 127:

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

21.12 The Committee also recalled its previous decision to hold the first meeting of the joint MSC-LEG-FAL Working Group on MASS remotely from 7 to 9 September 2022, subject to endorsement by C 127 (see paragraph 14.17).

Substantive items for inclusion in the agenda of FAL 47

21.13 Having considered the proposals in document FAL 46/WP.3, the Committee agreed to the substantive items to be included in the agenda of its forty-seventh session, as set out in annex 10. In this connection, the Committee also agreed that all Secretariat documents for that session would be made publicly available prior to the meeting (see paragraph 2.3).

Establishment of working groups at FAL 47

21.14 The Committee, taking into account the decisions made under the various agenda items, anticipated that working groups on the following subjects could be established at FAL 47:

- .1 electronic business;
- .2 review of the Explanatory Manual to the FAL Convention; and
- .3 FAL MASS.

21.15 The Committee further agreed that, should the need arise, FAL 47 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 47 and a list of the likely working or drafting groups to be established.

Date and venue of the next session

21.16 The Committee noted that FAL 47 was scheduled to take place from 19 to 23 June 2023.

22 ELECTION OF CHAIR AND VICE-CHAIR FOR 2023

22.1 In accordance with its Rules of Procedure, the Committee unanimously elected Ms. Marina Angsell (Sweden) as Chair and Mr. Mohamed AlKaabi (United Arab Emirates) as Vice-Chair, both for 2023.

23 ANY OTHER BUSINESS

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

23.1 The Committee recalled that documents FAL 46/23 (Ukraine) and FAL 46/23/1 (Russian Federation) had been already considered under agenda item 2 (see paragraph 2.9).

COVID-19 related matters

23.2 The Committee recalled that MSC 104 had approved a draft Assembly resolution on comprehensive action to address seafarers' challenges during the COVID-19 pandemic, which was subsequently adopted by A 32 as resolution A.1160(32).

23.3 The Committee noted that, as of 9 May 2022, 65 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.11), 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.

23.4 The Committee noted the information provided by the Commonwealth Secretariat in document FAL 46/INF.4, exploring the effects of the pandemic in the maritime trade and policy implications for post-COVID recovery and resilience-building in Commonwealth countries.

Cyber risk management for ships and ports

23.5 The Committee considered document FAL 46/23/2 (IAPH) inviting the Committee to note the first edition of the *IAPH Cybersecurity Guidelines for Ports and Port Facilities*, and to consider promoting them as appropriate and referencing them in the next version of Circular MSC-FAL.1/Circ.3/Rev.1 *Guidelines on maritime cyber risk management* under additional detailed guidance and industry standards.

23.6 The Committee, having noted that MSC 104 had requested the Secretariat, subject to the concurrence of the FAL Committee, to update the industry guidance listed in paragraph 4.2 of MSC-FAL.1/Circ.3/Rev.1 to include the *IAPH Cybersecurity Guidelines for Ports and Port Facilities*, concurred with the decision taken by MSC 104 and approved MSC-FAL.1/Circ.3/Rev.2, *Guidelines on maritime cyber risk management*.

List of certificates and documents required to be carried on board ships 2022

23.7 The Committee recalled that MEPC 70, MSC 96, FAL 41 and LEG 104 had approved the consolidated draft FAL.2-MEPC.1-MS.C.1-LEG.1 circular on List of certificates and documents required to be carried on board ships as FAL.2/Circ.131-MEPC.1/Circ.873-MS.C.1/Circ.1586-LEG.2/Circ.3.

23.8 The Committee approved, concurrently with LEG 109 and MSC 105 and subject to a concurrent decision by MEPC, the draft joint circular FAL.2-MEPC.1-MS.C.1-LEG.2 on *List of certificates and documents required to be carried on board ships, 2022*, as FAL.2/Circ.133, noting that the items related to the amendments to MARPOL Annexes I, IV and VI regarding measures to reduce carbon intensity of international shipping and unmanned non-self-propelled barges, as adopted by resolutions MEPC.330(76) and MEPC.328(76) respectively, were in square brackets, pending acceptance of the associated amendments to MARPOL Annexes I, IV and VI (document III 7/17, paragraph 8.9 and annex 5).

Certified true copies of consolidated texts of IMO instruments

23.9 The Committee recalled that LEG 106 had invited the Council to initiate a programme to develop certified true copies of consolidated texts of all IMO conventions to assist in their implementation into domestic legislation and that C 125 had considered this issue and endorsed the recommendation of the Working Group on Council Reform to proceed with the preparation of consolidated versions of IMO conventions.

23.10 Having considered document FAL 46/23/1 (Chair and Secretariat), the Committee approved the list of instruments under the remit of the FAL Committee for which a consolidated version would be most beneficial, as set out in annex 11, for submission to the Council.

23.11 The delegation of Argentina, while agreeing to the identification made in document FAL 46/23/1, reminded that there were important aspects to be duly addressed at the appropriate time, namely the legal nature of the consolidations, as decided by LEG, and the translation of those into all official languages.

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

23.12 Following the intervention of Italy, the Committee encouraged Member States to complete the survey questionnaire⁴ related to the application of FAL.6/Circ.11/Rev.1, on *Guidelines on minimum training and education for mooring personnel*, included in the annex

⁴ To be submitted to the following email address: info@angopi.eu

to document FAL 45/21/3, to ensure the maximum level of safety for personnel involved in mooring and unmooring operations in ports and harbours. The Committee also reiterated its invitation to the co-sponsors 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.

24 CONSIDERATION OF THE REPORT OF THE COMMITTEE ON ITS FORTY-SIXTH SESSION

Procedures for facilitating remote sessions

24.1 The draft report of the session (FAL 46/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).

24.2 In this context, during the virtual meeting held on Friday, 13 May 2022, delegations were given an opportunity to provide comments on the draft report and those wishing to further comment on the decisions of the Committee were given a deadline of 24 May 2022, 23.59 (UTC+1) to do so by correspondence, as provided for in the aforementioned Interim Guidance.

24.3 The report of the Committee was finalized by the Secretariat in consultation with the Chair. The session was closed on 24 May 2022, 23.59 (UTC+1), pursuant to rule 35 of the Rules of Procedure of the Facilitation Committee.

Action requested of other IMO organs

24.4 The Assembly, at its thirty-third session, is invited to note that the Committee adopted amendments to the annex to the FAL Convention (paragraph 3.7 and annex 1).

24.5 The Council, at its 127th session, is invited to:

- .1 consider the report of the forty-sixth session of the Facilitation Committee and, in accordance with Article 21(b) of the IMO Convention, transmit it, with its comments and recommendations, to the thirty-third session of the Assembly;
- .2 note the decisions taken regarding measures for greater public access to information (paragraphs 2.3 and 21.13);
- .3 note the comments made and decisions taken on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effect on international shipping and seafarers (paragraphs 2.4 to 2.14), in particular the actions of the Committee in this regard, as set out in paragraph 2.12;
- .4 note the adoption of resolution FAL.14(46) on amendments to the annex to the FAL Convention for circulation in accordance with article VII(2)(a) of the Convention, and the decision of its entrance into force in accordance with article VII(2)(b) on 1 January 2024, unless, prior to 1 October 2023, at least one third of the Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments (paragraphs 3.7 and 3.8, and annex 1);

- .5 note the approval of the amendments to the annex to the FAL Convention for circulation in accordance with article VII(2)(a) of the Convention with a view to adoption at FAL 47 (paragraph 4.15 and annex 2);
- .6 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version of the Compendium and, in particular, the *Project on the IMO Compendium on Facilitation and Electronic Business* launched by the Secretariat to be funded by Member States and international organizations (section 6);
- .7 note the information provided by DPP in respect of the ongoing initiatives supporting digitalization (paragraph 9.5 and annex 7);
- .8 endorse the new outputs approved by the Committee for the 2022-2023 biennium (paragraphs 14.11 and 21.3);
- .9 note the actions taken on matters related to maritime autonomous surface ships and endorse the holding of the first meeting of the Joint MSC/LEG/FAL MASS Working Group, to be held remotely from 7 to 9 September 2022 (paragraph 14.17);
- .10 note the status report of the outputs for the 2022-2023 biennium (paragraph 21.5 and annex 8);
- .11 note the post-biennial agenda of the Committee (paragraph 21.6 and annex 9);
- .12 endorse the decision of the Committee to hold one meeting during 2024 and one meeting during 2025 (five days with eight associated interpretation sessions for each meeting) (paragraph 21.9);
- .13 endorse the intersessional meetings of EGDH approved by the Committee for 2023 (paragraph 21.11);
- .14 note the action taken with regard to the list of instruments under the remit of the Facilitation Committee for which a consolidated version would be most beneficial (paragraph 23.10 and annex 11); and
- .15 note the approval of the following circulars:
 - .1 FAL.5/Circ.42/Rev.2 on *Revised guidelines for setting up a maritime single window* (paragraph 5.9);
 - .2 FAL.5/Circ.45 on *IMO Compendium on Facilitation and Electronic Business* (paragraph 6.22);
 - .3 FAL.5/Circ.46 on *Guidelines on authentication, integrity and confidentiality of information exchanges via maritime single windows and related services and associated circular* (paragraph 7.5);
 - .4 FAL.5/Circ.47 on *Guidelines for national maritime transport facilitation committees and programmes* (paragraph 10.8);

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- .5 FAL.5/Circ.48 on *Guidance to implement and adopt procedures against maritime corruption* (paragraph 13.11);
 - .6 FAL.5/Circular.49 on *Outcome of the regulatory scoping exercise and gap analysis of FAL Convention with respect to MASS* (paragraph 14.8);
 - .7 FAL.5/Circ.50 on *Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic* (paragraph 15.7);
 - .8 MSC-FAL.1/Circ.3/Rev.2 on *Guidelines on maritime cyber risk management* (paragraph 23.6); and
 - .9 FAL.2/Circ.133 on *List of certificates and documents required to be carried on board ships, 2022*, subject to a concurrent decision by MEPC (paragraph 23.8).

24.6 The Maritime Safety Committee, at its 106th session, is invited to note the report of the Committee and, in particular, to:

- .1 note the comments made and decisions taken on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effect on international shipping and seafarers (paragraphs 2.4 to 2.14), in particular the actions of the Committee in this regard, as set out in paragraph 2.12;
- .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 decision to inform the III Sub-Committee about the approval of the new data set on "port State control inspection history data", and the invitation to the III Sub-Committee to consider the possibility of creating a unique identifier of a port State control inspection (paragraph 6.23);
- .4 in relation to Maritime Services, note:
 - .1 that no further work is required for Maritime Service 6 (paragraph 8.8);
 - .2 the approval of the revised description of Maritime Services 7, 8 and 10, and invite MSC to approve a revised version of MSC.1/Circ.1610, on *Initial descriptions of Maritime Services in the context of e-navigation* (paragraph 8.16 and annexes 4, 5 and 6, respectively);
 - .3 that the consideration of Maritime Service 4 is still ongoing (paragraph 8.19); and
 - .4 the target completion of the output has been extended to 2023 (paragraph 8.20).
- .5 note the information provided by DPP in respect of the ongoing initiatives supporting digitalization (paragraph 9.5 and annex 7);

- .6 note the actions taken on matters related to maritime autonomous surface ships (section 14), in particular the approval of:
 - .1 FAL.5/Circular.49 on *Outcome of the regulatory scoping exercise and gap analysis of FAL Convention with respect to MASS* (paragraph 14.8);
 - .2 a new output on "Measures to address maritime autonomous surface ships (MASS) in the instruments under the purview of the Facilitation Committee" (paragraph 14.11);
 - .3 the establishment of a Joint MSC/LEG/FAL MASS Working Group, its terms of reference and the date for its first meeting, subject to concurrent approval by C 127 (paragraph 14.17);
- .7 note the approval of FAL.5/Circ.50 on *Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic* (paragraph 15.7);
- .8 note that the Committee requested the Secretariat to continue attending meetings of the WCO Passenger Controls and Facilitation Working Group (paragraph 16.6);
- .9 note that the Committee concurrently approved MSC-FAL.1/Circ.3/Rev.2 on *Guidelines on maritime cyber risk management* (paragraph 23.6); and
- .10 note that the Committee concurrently approved FAL.2/Circ.133 on *List of certificates and documents required to be carried on board ships, 2022*, subject to a concurrent decision by MEPC (paragraph 23.8).

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

- .1 note the developments regarding the IMO Compendium on Facilitation and Electronic Business, including the approval of a revised version of the Compendium (section 6);
- .2 note the decision to inform the III Sub-Committee about the approval of the new data set on "port State control inspection history data", and the invitation to the III Sub-Committee to consider the possibility of creating a unique identifier of a port State control inspection (paragraph 6.23);
- .3 note the information provided by DPP in respect of the ongoing initiatives supporting digitalization (paragraph 9.5 and annex 7);
- .4 note the actions taken on matters related to maritime autonomous surface ships (section 14), in particular the approval of:
 - .1 FAL.5/Circular.49 on *Outcome of the regulatory scoping exercise and gap analysis of FAL Convention with respect to MASS* (paragraph 14.8);

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- .2 a new output on "Measures to address maritime autonomous surface ships (MASS) in the instruments under the purview of the Facilitation Committee" (paragraph 14.11);
 - .3 the establishment of a Joint MSC/LEG/FAL MASS Working Group, its terms of reference and the date for its first meeting, subject to concurrent approval by C 127 (paragraph 14.17); and
 - .5 note that the Committee concurrently approved FAL.2/Circ.133 on *List of certificates and documents required to be carried on board ships, 2022*, subject to a concurrent decision by MEPC (paragraph 23.8).

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

- .1 note the *Project on the IMO Compendium on Facilitation and Electronic Business* launched by the Secretariat, to be funded by Member States and international organizations (section 6);
- .2 note the information provided by DPP in respect of the ongoing initiatives supporting digitalization (paragraph 9.5 and annex 7);
- .3 note the decisions related to the proposed GISIS module on maritime corruption (paragraphs 13.7 to 13.9);
- .4 note the decision of the Committee on alternatives that could achieve similar results of providing technical cooperation assistance to reduce corruption (paragraph 13.9);
- .5 note that the Committee approved FAL.5/Circ.48 on *Guidance to implement and adopt procedures against maritime corruption* (paragraph 13.11); and
- .6 note the approval of FAL.5/Circ.50 on *Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic* (paragraph 15.7).

24.9 The Legal Committee, at its 110th session, is invited to note the report of the Committee and, in particular, to:

- .1 note the comments made and decisions taken on matters related to the ongoing military conflict between the Russian Federation and Ukraine and its effect on international shipping and seafarers (paragraphs 2.4 to 2.14), in particular the actions of the Committee in this regard, as set out in paragraph 2.12;
- .2 note the decisions related to the proposed GISIS module on maritime corruption (paragraphs 13.7 to 13.9);
- .3 note the decision of the Committee on alternatives that could achieve similar results of providing technical cooperation assistance to reduce corruption (paragraph 13.9);
- .4 note that the Committee approved FAL.5/Circ.48 on *Guidance to implement and adopt procedures against maritime corruption* (paragraph 13.11);

- .5 note the actions taken on matters related to maritime autonomous surface ships (section 14), in particular the approval of:
 - .1 FAL.5/Circular.49 on *Outcome of the regulatory scoping exercise and gap analysis of FAL Convention with respect to MASS* (paragraph 14.8);
 - .2 a new output on "Measures to address maritime autonomous surface ships (MASS) in the instruments under the purview of the Facilitation Committee" (paragraph 14.11);
 - .3 the establishment of a Joint MSC/LEG/FAL MASS Working Group, its terms of reference and the date for its first meeting, subject to concurrent approval by C 127 (paragraph 14.17); and
- .6 note that the Committee concurrently approved FAL.2/Circ.133 on *List of certificates and documents required to be carried on board ships, 2022*, subject to a concurrent decision by MEPC (paragraph 23.8).

24.10 The III Sub-Committee is invited to:

- .1 note the approval of the new data set on "Port State control inspection history data";
- .2 examine the possibility of creating a unique identifier of a port State control inspection (paragraph 6.23); and
- .3 note that the Committee concurrently approved FAL.2/Circ.133 on *List of certificates and documents required to be carried on board ships, 2022*, subject to the concurrent decision by MEPC (paragraph 23.8).

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