

FACILITATION COMMITTEE
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**REPORT OF THE FACILITATION COMMITTEE
ON ITS FORTIETH SESSION**

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1 GENERAL

1.1 The Facilitation Committee held its fortieth session from 4 to 8 April 2016 under the Chairmanship of Mr. Yury Melenas (Russian Federation), who was unanimously elected as Chairman for 2016 at the opening of the session. The Vice-Chairman, Mrs. Marina Angsell (Sweden), who was unanimously elected as Vice-Chairman for 2016 at the opening of the session, was also present.

1.2 The session was attended by delegations from Member States, an Associate Member, by representatives from the United Nations Programmes, specialized agencies, by observers from intergovernmental organizations; and observers from non-governmental organizations in consultative status as listed in document FAL 40/INF.1.

Secretary-General's opening address

1.3 The Secretary-General commenced his opening address by expressing his sympathy for the victims of the terrorist attacks in Brussels on 22 March 2016, noting that a highly appreciated and respected member of the IMO Family, Mr. Johan Van Steen, a distinguished delegate from Belgium to the FAL Committee and other IMO meetings, had been killed. The Secretary-General conveyed the Organization's and his own condolences to the delegation of Belgium, the Belgian Directorate of Shipping and to the bereaved families, friends and colleagues of Mr. Van Steen and of the other innocent victims of these terrorist attacks. The Committee observed a period of silence in memory of Mr. Van Steen and other victims.

1.4 The Secretary-General then welcomed participants and in his opening address he raised, among other views, the following key ideas:

- .1 that the Committee needed to meet on an annual basis, rather than the current frequency of once every 18 months, because it would enable the Committee to develop and achieve momentum in its important work;
- .2 to invite the Committee to revisit the concept of the ship/port interface and encouraged Member States to present proposals to FAL 41 to include a new agenda item in the HLAB of the Organization to put it back on the agenda for FAL 41 and beyond, with a focus on the relationship between ships and ports; and
- .3 to make the Committee even more inclusive and to encourage active participation from all stakeholders within Government and industry.

1.5 The full text of his opening speech can be downloaded from the IMO website at the following link: <http://www.imo.org/MediaCentre/SecretaryGeneral/SecretaryGeneralsSpeechesToMeetings>.

Chairman's remarks

1.6 In responding, the Chairman thanked the Secretary-General for his words of guidance and encouragement and assured the Secretary-General that his advice and requests would be given every consideration in the deliberations of the Committee and its working groups.

1.7 The Delegation of Belgium thanked the Secretary-General and the Committee for the support expressed for the victims and, in particular, Mr. Van Steen, and undertook to pass on the message of support to family and friends of Mr. Van Steen and to the Belgian authorities.

Adoption of the agenda

1.8 Following the decision of A 29 to include a new output in the High Level Action Plan (HLAP) for 2016-2017, on "IMO's contribution to addressing Unsafe Mixed Migration by Sea", with MSC, FAL and LEG as parent organs, the Committee agreed to include "Unsafe Mixed Migration by Sea" as a new agenda item 18 on the provisional agenda.

1.9 The Committee agreed that a number of documents (FAL 40/6/1, FAL 40/6/1/Corr.1, FAL 40/6/3, FAL 40/6/4 and FAL 40/6/5) that had been submitted under agenda item 6 on Requirements for access to, or electronic versions of, certificates and documents, including record books required to be carried on ships, actually related to electronic FAL Forms and the FAL Compendium and would therefore be more properly considered under agenda item 5 on Application of single-window concept.

1.10 The Committee adopted the provisional agenda, set out in document FAL 40/1, as amended, as the agenda for the session, and agreed further to be guided by the annotated agenda (FAL 40/1/1) and the provisional timetable during the session.

Credentials

1.11 The Committee was informed that the credentials of delegations attending the session were in due and proper form.

1.12 The Committee noted that the Government of Turkey had completed its domestic procedures for the ratification of the FAL Convention and the instruments would be deposited with IMO within the next few weeks. Five other IMO Conventions were at the final stages of ratification by the Turkish Government.

2 DECISIONS OF OTHER IMO BODIES

2.1 The Committee noted the information provided in documents FAL 40/2, FAL 40/2/1 and FAL 40/2/2 (Secretariat), in relation to the outcomes of the work of LEG 102, MEPC 67, MEPC 68, MSC 94, MSC 95, TC 65, C 113, C 114, III 2, CCC 2 and E&T 24, C/ES.28 and C 115, on matters of relevance to the work of the Committee and decided to consider the various issues which warranted action by the Committee under the relevant agenda items.

2.2 The Committee noted the information provided verbally by the Secretariat on the outcome of NCSR 3, under agenda item 7.

3 CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE CONVENTION

3.1 The Committee recalled that FAL 35 had agreed to initiate a comprehensive revision of the Convention on Facilitation of International Maritime Traffic, 1965 (FAL Convention) with a view to ensuring that it adequately addressed the present and emerging needs of the shipping industry as well as for modernization of its provisions, taking into account for example, and inter alia, developments in the field of the transmission of information and data by electronic means and the Single Window concept.

3.2 The Committee recalled further that FAL 36, FAL 37, FAL 38 and FAL 39 had worked on the review of the FAL Convention, and an intersessional correspondence group had been working since FAL 36.

3.3 The Committee recalled that FAL 39 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 of FAL 40/3, with a view to adoption at its present session (FAL 39/16, paragraph 4.43).

3.4 The Committee recalled that FAL 39 had agreed to keep within square brackets Standard 2.8.1 and FAL Form 7, pending the advice by CCC 2, for proper consideration at FAL 40, the only pending issue coming from the comprehensive review process.

3.5 The Committee further recalled that the proposed amendments were circulated to all IMO Member States and Contracting Governments to the FAL Convention under cover of Circular Letter No.3554, dated 24 June 2015.

3.6 The Committee noted that no documents had been submitted commenting on the amendments to the annex to the FAL Convention approved by FAL 39.

4 COMPREHENSIVE REVIEW OF THE FAL CONVENTION

4.1 Regarding the pending issue for the completion of the comprehensive review of the FAL Convention related to the Dangerous Goods Manifest (Standard 2.8.1 and FAL Form 7), the Committee noted that E&T 23 had considered two proposals presented for the amendment of FAL Form 7, one from IVODGA (CCC 1/6/7) and the other from Japan (E&T 23/5), and had prepared the necessary amendments to FAL Form 7 in compliance with the requirements of the IMDG Code.

4.2 The Committee noted that E&T 23 had agreed to delete the information related to the master, since the master's name and signature are not required by the IMDG Code or SOLAS, and Standard 2.8.1 of the FAL Convention should be amended accordingly.

4.3 The Committee noted that E&T 23 had agreed that it would be helpful for users to have additional guidance specifying the type and format of information required in each of the columns on FAL Forms (e.g. stowage position as indicated in the stowage plan), and had invited FAL 40 to consider including such guidance/information within the FAL Form itself (i.e. footnotes, rear page of the FAL Form) or within the Explanatory Manual to the FAL Convention.

4.4 The Committee noted that CCC 2, on receiving the report of E&T 23, had agreed the draft amendments to FAL Form 7 and had instructed E&T 24 to develop additional guidance on the type and format of information required in the boxes of the FAL Form 7, for submission to FAL 40 directly for its consideration and inclusion, if appropriate, in the ongoing revision of the FAL Convention.

4.5 The Committee noted that the draft additional guidance prepared by E&T 24 for FAL Form 7, that refers also to the SOLAS chapter VII requirements for solid bulk cargo, did not include supplementary requirements (if any) for solid bulk cargoes.

Standard 2.8.1 and FAL Form 7

4.6 The Committee considered the revised Standard 2.8.1 prepared by the Secretariat based on the decisions adopted by CCC 2, and the revised FAL Form 7 agreed by CCC 2, as set out in annexes 2 and 1 respectively of document FAL 40/4, and agreed to reinstate the word "freight" before "container" in Standard 2.8.1 and in FAL Form 7. The Committee agreed on the other amendments introduced in Standard 2.8.1 and FAL Form 7.

Additional information related to FAL Form 7

4.7 The Committee considered the Additional information related for FAL Form 7 agreed by E&T 24 as annex 3 to document FAL 40/4, and agreed that the most appropriate place to include this information was in the Explanatory Manual to the FAL Convention.

Establishment of the drafting group

4.8 The Committee established the Drafting Group on Amendments to the annex to the FAL Convention under the chairmanship of Mr. Fabien Joret (France), and instructed it, taking into account the relevant discussions and decisions in plenary, 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

4.9 Having received the report of the drafting group (FAL 40/WP.5), the Committee, on 8 April 2016, unanimously adopted, by resolution FAL.12(40), and in accordance with article VII(2)(a), amendments to the annex to the Convention. The text of resolution FAL.12(40), with the text of the adopted amendments annexed thereto is set out in annex 1.

Date of entry into force of the amendments

4.10 The Committee also unanimously decided that the said amendments should enter into force, in accordance with article VII(2)(b) on 1 January 2018, unless, prior to 1 October 2017, at least one-third of the Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments.

Instructions to the Secretariat

4.11 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 corrections that may be identified, and to bring to the attention of the Committee any errors or omissions which require action by the Contracting Governments. The Committee also authorized the Secretariat to improve the presentation and layout of the IMO FAL Forms.

4.12 The Chairman, 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.

5 APPLICATION OF SINGLE-WINDOW CONCEPT

5.1 The Committee recalled that FAL 39 had noted that the majority of Member States had some kind of single window in place related to cargo, but only a few had any single window for maritime transport. To make more efficient use of the limited resources available under ITCP, the Secretariat had planned to design a prototype of a maritime single window (MSW).

5.2 The Committee recalled that FAL 39 had noted that the initiative was an essential part of the review of the annex to the FAL Convention, as it would support the implementation of systems for the electronic exchange of information. In this context, the Secretariat had presented the project to be implemented in three phases, as follows:

- .1 First phase: gathering information on the current situation of the clearance of ships, cargo and passengers at ports from some developing countries;
- .2 Second phase: gathering further information from the authorities involved in the clearance of ships; and
- .3 Third phase: on the basis of the information collected, design, develop and implement a prototype MSW in one of the selected countries.

5.3 The Committee recalled that following consideration and noting the support from various delegations to the proposal, FAL 39 had requested the Secretariat to report on the progress of the project to FAL 40.

5.4 The Committee noted that the two first phases of the project had already been completed and the results presented to TC 65, for its consideration and inclusion in the ITCP of the Organization for the 2016-2017 biennium. After consideration, TC 65 had decided, inter alia, to:

- .1 include the project on the development of an MSW prototype in the 2016-2017 ITCP;
- .2 request the Secretariat to provide to TC 66 a clear project outline on the development of the single window concept together with the related budget estimates for the initial and annually recurring costs; and
- .3 urge Member States and shipping industry stakeholders to make voluntary contributions, either financial or in-kind, for the progression of the proposed project.

5.5 The Committee noted that a number of delegations had already offered their support, both at TC 65 and C 114, to contribute and assist with the project.

5.6 The Committee considered document FAL 40/5 (Secretariat) that provided information on the IMO project on the development of a prototype maritime single window. Following the decisions made by TC 65 and the offers made at C 114, the Secretariat had established a series of consultation meetings with other international organizations (UNCTAD, WCO and IPCSA), and with Chile, Norway, the Republic of Korea and the European Commission, the donors that had generously offered their assistance. These meetings were held with the intention of establishing the scope and management of the assistance offered by the donors.

5.7 After these meetings, the Secretariat was aware that most, if not all, the systems presented by the donors could already achieve the goals of the project. Some of the systems were more complex than others due to specific port/user requirements and had been in operation for many years. However, one of the main differences that was observed was the lack of harmonization of formats for data submission. There were, basically, three different preferences: EDIFACT (noting that there are different versions in place), XML and Excel. Harmonization and standardization of data formats should also be considered as the ultimate aim of the project.

5.8 Bearing in mind the information collected during the above consultations, the Secretariat identified three alternatives to be considered by the FAL Committee:

- .1 the first alternative was to develop a prototype MSW reusing one of the systems offered by the donors and/or parts of different systems;
- .2 the second alternative was to develop a completely new prototype taking into account the experience of others in the development and implementation of MSW systems; and
- .3 the third and last alternative was not develop a prototype but to recommend the use of one or various existing systems, for instance, from among those offered so far, and any other that may be offered in the future.

5.9 The Secretariat assessed that if first or second alternatives were to be available for use prior to the date envisaged in the aforesaid amendments so that it would need to take into account the time required for development, testing and implementation, including:

- .1 defining the scope of the project (e.g. development, implementation, continuous maintenance and training, etc.) and of the MSW prototype system, including the system's functional requirements (e.g. reporting requirements, data formats, system's compatibility, language interface, compatibility with different data bases and operative systems, etc.); and
- .2 identifying resources needed and opportunities, including any budgetary implications for the Organization.

5.10 The third alternative would allow immediate implementation of existing MSW system(s) and the use of available resources to assist developing countries willing to implement MSW systems with feasibility studies, testing, implementation, training, etc.

5.11 The delegation of the UNECE underlined that though there may be various versions of official EDIFACT messages, all of these are backwards compatible. They further underlined that there is not one single XML standard, and these XML standards are not necessarily compatible with each other. The delegation of UNECE recalled UN Recommendations 33 and 34 on "single window implementation" and on "data simplification and standardization", and from their experience, the objective of single window implementation should not be to have a single window per se, but rather to facilitate the processes to be implemented by the economic operator.

5.12 The majority of the Committee supported the development of a MSW by the Organization (first alternative), with a preference for reusing one of the systems offered by the donors.

5.13 Some delegations expressed their preference for the third alternative, as this would allow Member States to implement the system at an earlier stage, before the MSW is completed, and this approach would allow them to select the system more appropriate to their needs and characteristics.

5.14 The Committee also recognized the potential benefits for combining both alternatives, i.e. the Organization would continue working on the development of the MSW prototype, while Member States could implement their systems based on one of the systems offered.

5.15 The Committee noted document FAL 40/INF.6 (China, Japan and the Republic of Korea) which provided information on the Northeast Asia Logistics Information Service Network (NEAL-NET) that supports exchange of government-related port logistics information systems between China, Japan and the Republic of Korea, and which was envisaged to be expanded to other IMO Member States with a view to further collaboration in the field of port logistics information sharing.

5.16 In considering document FAL 40/INF.8 (Republic of Korea), the Committee noted the information on the single window system in the Republic of Korea intended to foster the integration with other systems, thereby supporting the development of future integrated Single Window environment. The document explained that this system was based on an open platform and issues regarding the development of standard service platform, flexible and expandable solutions were addressed. The Republic of Korea expressed its intention to provide further information at the next session of the Committee.

5.17 The Committee noted the information provided in document FAL 40/INF.9 (Honduras) related to the new single window system in the Republic of Honduras.

Maintenance of the IMO Compendium on facilitation and electronic business

5.18 The Committee recalled that FAL 38 had approved FAL.5/Circ.40 on "Revised IMO Compendium on Facilitation and Electronic Business".

5.19 The Committee recalled that FAL 39 had noted the discussions between the Secretariats of IMO and WCO on the possibility of WCO technical bodies maintaining the compendium from a technical viewpoint. Building on the already good cooperation between the two organizations, WCO had agreed that the technical maintenance of the compendium would be carried out by its Data Model Project Team (DMPT) and the Information Management Sub-Committee (IMSC).

5.20 The Committee recalled that under the proposed mechanism of cooperation, WCO would work purely on the technical maintenance of the standard codes of the FAL forms and the FAL Committee would remain the competent body for policy-making, such as the development of new FAL forms or amendments to existing ones. According to that procedure, any technical improvements developed by the IMSC would be passed to the FAL Committee for its endorsement, dissemination by FAL circular and approval for inclusion in revised editions of the compendium. The revised compendium would subsequently be distributed as a joint IMO-WCO publication.

5.21 The Committee recalled that FAL 39, recognizing that the participation in the DMPT was open to all interested parties, had agreed to the proposal, and therefore the future technical maintenance of the compendium would be made by WCO, with the FAL Committee remaining the competent body for policy-making, under the terms of the above-mentioned mechanism of cooperation between the two organizations.

5.22 The Committee recalled that FAL 39 had agreed to include in the compendium the WCO Data Model references relating to FAL forms.

5.23 As discussed in paragraph 1.9 above, the Committee considered the following documents under this agenda item:

- .1 documents FAL 40/6/1 and FAL 40/6/1/Corr.1 (WCO) that reported on the progress of the review of the Compendium on Facilitation and Electronic Business by the WCO, and a new format for the Compendium was presented to the Committee for its consideration;

- .2 document FAL 40/6/3 (ISO) commenting on document FAL 40/6/1. ISO supported the semantic information model approach suggested by WCO and suggested that one common information model is defined for all FAL forms. ISO also suggested including mappings to ISO 28005-2 in this model. Member States were invited to participate in the work of revision of the ISO 28005-2 standard, to be held in 2016/2017;
- .3 document FAL 40/6/4 (UNECE) commenting on document FAL 40/6/1. UNECE requested the participation of relevant stakeholders, other than customs, in the work for the maintenance of the IMO Compendium. It further requested the inclusion of the UN/CEFACT Core Component Library (CCL) as the common basis for cross industry information exchange, and offered to work jointly with WCO and IMO to achieve this desired goal; and
- .4 document FAL 40/6/5 (Japan) proposed some amendments to the current version of the FAL Compendium (FAL.5/Circ.40).

5.24 The Committee noted document FAL 40/INF.7 (Republic of Korea), which provided information on the measures for automation and standardization of maritime transport and examined the possibility of integration with port logistics information system. The progress of development and standardization of maritime communication technology was also discussed.

Establishment of the working group

5.25 Having considered the above matters, the Committee established the working group on electronic means for the clearance of ships, under the chairmanship of Mr. Butturini (USA), and instructed it, taking into account documents FAL 40/5, FAL 40/6/1, FAL 40/6/1/Corr.1, FAL 40/6/3, FAL 40/6/4 and FAL 40/6/5 and the comments made and decisions taken in plenary, to:

- .1 consider the issue of harmonization and standardization of data reporting formats between different existing maritime single windows platforms and advise, as appropriate;
- .2 consider the alternatives presented in paragraphs 9.1 and 9.3 of document FAL 40/5; recommend the way forward for the development of the maritime single window prototype; and define the scope of the project and of the prototype system, the high-level system's functional requirements, including the use of existing systems and the identification of resources needed and opportunities; and
- .3 consider proposals on documents FAL 40/6/1 and FAL 40/6/1/Corr.1, taking into account comments on documents FAL 40/6/3, FAL 40/6/4 and FAL 40/6/5, and advise on the re-formatting of FAL.5/Circ.40, IMO Compendium on Facilitation and Electronic Business as appropriate.

Report of the working group

5.26 Having received and considered the report of the working group (FAL 40/WP.3), the Committee approved it in general and, in particular, took action as summarized in the ensuing paragraphs.

Project on the development of a prototype maritime single window

5.27 The Committee noted the following views expressed during the deliberations of the working group related to the alternatives presented in paragraph 9 of document FAL 40/5:

- .1 the majority of delegations were in favour of progressing the alternative described in paragraph 9.1 (i.e. to develop a prototype based on one of the existing systems offered by the donors), as it could also serve as a way of leading the harmonization and standardization of reporting requirements;
- .2 some delegations indicated their preference to proceed with the alternative described in paragraph 9.3, making use of existing systems and focusing efforts on the data reporting harmonization and standardization of MSWs already implemented; however, it was also indicated that this option would not be favourable for some of the donors as it could impact the level and the amount of assistance to be provided; and
- .3 other delegations were also of the view that, although it was not part of the terms of reference of the working group, the alternative presented in paragraph 9.2 (i.e. develop a completely new prototype) could also be reconsidered after agreeing the scope of the system.

5.28 The Committee noted further the working group's view that the alternatives presented in paragraphs 9.1 and 9.3 of document FAL 40/5 did not necessarily exclude each other. Moreover, MSW systems offered by some of the donors were currently available to Member States requiring assistance, on a bilateral basis.

5.29 With regard to the development of the prototype MSW, the Committee noted also the following views expressed by the working group, that:

- .1 there were several EDIFACT versions, but all of them were backward compatible, and that there could be different versions of XML, not necessarily being fully compatible with each other;
- .2 a scalable modular development of a MSW prototype would be the most appropriate solution as it could be easily integrated into wider SW concepts and promote interoperability;
- .3 there could be many different implementations of MSW at national level depending on the structure and responsibilities of different authorities involved in the process of clearance of ships; and
- .4 before selecting a base system for the development of a MSW prototype, it would be necessary to review users' expectations and agree on key principles.

5.30 The Committee noted the working group's view that specific requirements from Member States willing to implement a MSW and requiring assistance should be further analysed in order to develop a product that would address their specific needs.

5.31 The Committee noted the conclusion of the working group that it was not in a position to recommend a way forward for the development of a MSW prototype and further information would be required before considering the issue any further.

5.32 The Committee noted that user needs were important to define the scope of the MSW prototype and, in this respect:

- .1 invited Member States requiring assistance in the implementation of MSWs to contact the Secretariat (alsec@imo.org) as soon as possible in order to discuss their specific needs and explore possible solutions;
- .2 invited Member States and organizations willing to assist with the implementation of MSWs or the development of a prototype MSW to contact the Secretariat or submit information to FAL 41; and
- .3 requested the Secretariat to report to FAL 41 with an analysis of the needs, a summary of commonalities and any additional information.

Harmonization and standardization of data reporting formats

5.33 The Committee noted the view of the working group that there were both technical and policy issues that needed to be addressed as part of the harmonization and standardization of data reporting formats between different existing MSW platforms to, among other things, reduce the administrative burden on board ships.

5.34 The Committee also noted the working group's view that many of the technical issues related to harmonization and standardization would be addressed as part of the revision of the IMO Compendium, the cooperation work to be conducted between different stakeholders, in particular, UNECE, WCO and ISO, the implementation of MSWs, and the continuous work of the Committee in promoting interoperability and facilitation aspects.

5.35 The Committee further noted the view of the working group that harmonization and standardization issues are often driven by unavoidable differences in national legislation, organization, and data needs among the various receivers of information, including individual ports and port States.

5.36 In this context, the Committee invited Administrations to promote and encourage harmonization among their individual ports.

Maintenance of the IMO Compendium on facilitation and electronic business

5.37 The Committee agreed that the IMO Compendium should not be reformatted at this stage, and that the definitions for data in FAL Forms contained in annex 1 to the IMO Compendium should be reviewed or clarified to address possible misinterpretations by relevant users of the Compendium and other stakeholders, such as ISO, UNECE and WCO, and to harmonize as much as possible with the underlying data models.

5.38 The Committee also agreed that the existing FAL Forms and ship security-related information should be reviewed for possible mistakes and inconsistencies, as indicated in documents FAL 40/6/1 and FAL 40/6/1/Corr.1 and FAL 40/6/5.

5.39 Some delegations were of the opinion that it was not possible to continue with the review of the IMO Compendium because this work was not included in the HLAP of the Organization; other delegations expressed the opposite view, and while recognizing the reference to the IMO Compendium was not included as such in the HLAP, but the work could be done because it was part of outputs of the current agenda of the Committee. However, the Committee agreed that the review of the IMO Compendium was not included in the HLAP of the Organization, and therefore agreed not to establish the Correspondence Group on the

Review of the IMO Compendium on Facilitation and Electronic Business recommended by the working group.

5.40 The Committee invited Member States and international organizations to present proposals to FAL 41 for a new output related to the review of the IMO Compendium.

5.41 Based on the decision of not establishing a correspondence group, the Committee invited WCO to establish an informal correspondence group under its DMPT group to receive input from all the stakeholders for further progress of its work for the maintenance of the Compendium based in the discussions held in the working group. The delegation of the United States¹, recognizing the importance of the matter, offered to be the focal point of the IMO's contributions to the WCO's informal correspondence work, and invited interested Member States and international organizations to participate in this work.

5.42 The Committee noted that further work on data mapping would be conducted in parallel by UNECE, WCO, ISO and private sector stakeholders (such as the Shipping Message Development Group (SMDG) and the PROTECT group).

5.43 The Committee considered the proposal by a delegation to create a collaborative web-based workspace, as a common area for working groups, correspondence groups, and similar collaboration groups to have a common meeting area for their work to share documents amongst their members such as long comments, draft guidelines, industry standards, draft report, etc. The delegation advised that other international organizations, as ISO, had in place this type of web-based workspace. The Committee, recognizing the potential benefits of this tool, requested the Secretariat to investigate the implications of this proposal, including the budget implications, and to inform the Committee and other IMO bodies accordingly.

6 REQUIREMENTS FOR ACCESS TO, OR ELECTRONIC VERSIONS OF, CERTIFICATES AND DOCUMENTS, INCLUDING RECORD BOOKS REQUIRED TO BE CARRIED ON SHIPS

Background

6.1 The Committee recalled that FAL 38 had approved the revised list of certificates and documents required to be carried on board ships as FAL.2/Circ.127, subject to the concurrent decision of MSC 92 and MEPC 66. These Committees concurred with the FAL 38 decision, and approved it as FAL.2/Circ.127-MEPC.1/Circ.817-MSA.1/Circ.1462.

6.2 The Committee recalled that FAL 39 had agreed that electronic certificates should be used as equivalent to traditional paper certificates, provided that the certificates and the website used to access them conformed to the guidelines approved by the Organization and that specific verification instructions were available on board the ship.

6.3 The Committee recalled that FAL 39 had also agreed that electronic certificates viewed on a computer should be considered as meeting the requirements to be "on board" and, in that respect, invited MSC and MEPC to consider amending FAL.2/Circ.127-MEPC.1/Circ.817-MSA.1/Circ.1462, on "List of certificates and documents required to be carried on board ships", to reflect that understanding.

¹ **Coordinator:**
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Email: roger.k.butturini@uscg.mil

6.4 The Committee recalled that FAL 39 had requested the Secretariat to modify the module "Survey and certification" of GISIS to add references to Administrations issuing electronic certificates, including the list of certificates issued electronically by each Administration and any additional information, as considered necessary by the Administration. This information was to be accessible to the general public. The Committee had also urged Administrations issuing electronic certificates to communicate the necessary information to the Organization through the "Survey and certification" module of GISIS, once changes to the module had been implemented.

6.5 The Committee recalled that FAL 39 had approved FAL.5/Circ.39/Rev.1 on *Guidelines for the use of electronic certificates*, and had invited MSC and MEPC to note the contents of the circular and take any necessary action, as appropriate.

6.6 The Committee recalled that FAL 39 had considered whether the guidelines should be converted into an Assembly resolution or included in the FAL Compendium, and had agreed that it was premature to decide at this stage. The Committee had agreed that FAL 40 would revisit that proposal on the basis of the experiences of the application of the guidelines.

6.7 The Committee recalled that FAL 39 had agreed to re-establish the Correspondence Group on electronic access to certificates and documents, under the coordination of the United States.

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

6.8 The Committee noted that MEPC 67 and MSC 94 had instructed III 2 to consider amending FAL.2/Circ.127-MEPC.1/Circ.817-MSC.1/Circ.1462 to reflect the provisions of the *Guidelines for the use of electronic certificates* (FAL.5/Circ.39/Rev.1) approved by FAL 39, in relation to the agreement that electronic certificates viewed on a computer should be considered as meeting the requirements to be "on board", provided that the certificates and the website used to access them conform to the guidelines approved by the Organization.

6.9 The Committee noted that III 2, having noted that the Global Integrated Shipping Information System (GISIS) module on Survey and Certification had been further developed in order to allow the recording of e-certificate-related information, had agreed that the existing FAL.2/Circ.127-MEPC.1/Circ.817-MSC.1/Circ.1462 was not in conflict with the use of e-certificates and that there was no need to align the above-mentioned circular with FAL.5/Circ.39/Rev.1 at that time. However, the Committee also noted that a need might arise later, based on the outcome of the consideration by MEPC 69 of the use of electronic record books under MARPOL and the work of the Correspondence Group on electronic access to certificates and documents, established by FAL 39.

Use of Electronic Record Books

6.10 The Committee noted that MEPC 67 had requested the Secretariat to inform the Correspondence Group on the use of electronic record books under MARPOL, which was due to report to MEPC 68, of the approval of the *Guidelines for the use of electronic certificates* (FAL.5/Circ.39/Rev.1).

6.11 The Committee noted that owing to time constraints, MEPC 68 had agreed to defer consideration of the agenda item on the "Use of electronic record books", and the report of the Correspondence Group on the use of electronic record books under MARPOL (MEPC 68/9) to MEPC 69.

Report of the Correspondence Group on electronic access to certificates and documents

6.12 The Committee noted with appreciation the report of the Correspondence Group on electronic access to certificates and documents required to be carried on ships (FAL 40/6), in particular by its coordinator, Mr. Roger K. Butturini (United States).

6.13 In considering the report of the correspondence group, the Committee agreed to refer it to the working group on electronic means for the clearance of ships for its consideration.

6.14 The Committee noted document FAL 40/6/2 (ISO) that provided more technical details on the fully digital and signed version of electronic certificates and how this system can be implemented, and if so decided by the Committee, ISO would initiate the development of the necessary technical standards. The Committee agreed not to forward this document to the working group, because it was premature to consider this subject by the group at this stage.

Instructions to the working group

6.15 The Committee instructed the Working Group on electronic means for the clearance of ships, under the chairmanship of Mr. Roger Butturini (United States), taking into account document FAL 40/6 and the relevant discussions and decisions in plenary, to:

- .1 finalize the *Guidelines for use of electronic certificates* and advise on the future of the guidelines;
- .2 finalize the proposed amendments to resolution A.1052(27), *Procedures for port State control, 2011* aimed at promoting wider acceptance of electronic certificates; and
- .3 consider whether it is necessary to re-establish the Correspondence Group on electronic access to certificates and documents; if so, advise the Committee as appropriate and prepare draft terms of reference.

Consideration of the report of the working group

6.16 Having received the relevant part of the working group's report (FAL 40/WP.3), the Committee took action as indicated in the ensuing paragraphs.

Guidelines for the use of electronic certificates

6.17 The Committee endorsed the view of the working group that, for the time being, it would be better to keep the guidelines as a FAL circular, and not to convert it to an Assembly resolution or incorporate it into the IMO Compendium, and to continue gathering experience with respect to the implementation of electronic certificates.

6.18 The Committee approved FAL.5/Circ.39/Rev.2, on the *Guidelines for the use of electronic certificates*.

6.19 The Committee agreed that it was not necessary to re-establish the Correspondence Group on Electronic Access to Certificates and Documents and invited Member States issuing electronic certificates to continue to share their experiences by submitting information to FAL 41.

6.20 The Committee noted the proactive work by organizations such as ISO to develop the necessary standards to support development and implementation of fully digital certificates based on data models similar to those used for electronic messages and supported continuation of these types of initiatives.

Procedures for port State control, 2011 aimed at promoting wider acceptance of electronic certificates

6.21 The Committee approved the draft amendments to resolution A.1052(27) on *Procedures for port State control, 2011*, as set out in annex 2, and agreed to forward them to the Maritime Safety Committee and the Marine Environment Protection Committee for their consideration and action, as appropriate, so that they can be submitted ultimately to the Assembly for adoption.

7 MEASURES TO PROTECT THE SAFETY OF PERSONS RESCUED AT SEA

Regional arrangement for the Mediterranean region

7.1 The Committee recalled that at COMSAR 14 in March 2010, the Secretary-General had offered his good offices to progress the discussion on measures to protect the safety of persons rescued at sea in the Mediterranean region.

7.2 The Committee recalled that since this decision, one regional meeting had been hosted by Italy on 12 October 2011, and draft terms of reference were approved in principle and a draft Regional MoU was partly revised during that meeting. In order to make significant progress towards finalizing the draft Regional MoU, it had been considered beneficial to hold informal consultations among interested parties to agree on some of the more contentious issues and associated draft texts before organizing the next regional formal meeting. Accordingly, informal consultations of interested parties were held at IMO Headquarters on 21 February 2012, 11 February 2014 and on 7 April 2014, to progress the work on the development of a draft regional agreement.

7.3 The Committee noted that an informal meeting between the Member States involved in previous discussions was held on 13 April 2015, but no significant progress on the regional agreement had been achieved.

Industry guidance on large-scale rescue operations at sea

7.4 The Committee noted that MSC 95 had considered key issues within its competence, including search and rescue and operation of merchant ships in view of the recent development of mass rescue of migrants. MSC 95 had:

- .1 placed planned output 5.1.2.2 on the agenda of NCSR 3 from the 2016-2017 biennium agenda; and
- .2 forwarded the *Guidance on ensuring the safety and security of seafarers and rescued persons* to NCSR 3 for consideration and report back to MSC 96.

7.5 The Committee noted that NCSR 3 had considered document NCSR 3/18 (ICS) that provided information on the second edition of "Large scale rescue operations at sea: Guidance on ensuring the safety and security of seafarers and rescued persons", and had agreed:

- .1 to invite MSC to encourage Member States and observer organizations to promote the availability of the industry Guidance as widely as possible;
- .2 that no further action had to be taken by the Sub-Committee with regard to the industry Guidance; and
- .3 to thank ICS for the valuable and useful work in this regard, and to note the second edition of the industry Guidance and the comments made in paragraphs 7 to 10 of document NCSR 3/18, and, in particular, that this Guidance should remain a live document for as long as required, promulgated and updated by the industry co-sponsors.

The Sub-Committee had noted the information provided and views expressed by several delegations that:

- .1 unsafe mixed migration by sea remained a matter which should stay high on the Organization's agenda;
- .2 the rescue of migrants at sea, in particular, in the Mediterranean was still a major problem and many organizations, including IMRF and FRONTEX were assisting the local rescue services;
- .3 ships and crew, called to assist in these rescue operations, should be protected from danger and offered support; and
- .4 there was a need for greater effort by coastal States of departure to better manage and ultimately prevent the departure of unsafe craft in undertaking such dangerous voyages from their respective shores.

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

Facilitation module in IMO's Global Integrated Shipping Information System (GISIS)

8.1 The Committee recalled that the details of the module for Facilitation in GISIS were promulgated by Circular Letter No.3281, on 28 June 2012, and Circular Letter No.3476, on 22 July 2014, and that this module allows access to the following information:

- .1 reports on stowaway incidents;
- .2 information on the contact addresses of the offices of designated national authorities and international organizations for facilitation purposes;
- .3 information on E-addresses of governmental authorities for facilitating the exchange of electronic information; and
- .4 notifications to IMO pursuant to article VIII of the FAL Convention.

8.2 The Committee encouraged Member States and international organizations to make use of the GISIS modules for uploading data and consulting information.

Consideration and analysis of reports and information on stowaways

8.3 The Committee noted information from the Secretariat that since FAL 39, the Secretariat has issued FAL.2/Circ.129 and FAL.2/Circ.130 which set out the annual statistics for 2014 and 2015, respectively.

8.4 According to these reports, 494 stowaway cases were reported to the Organization in 2008, 314 in 2009, 253 in 2010, 70 in 2011, 36 in 2012, 70 in 2013, 61 in 2014 and 21 in 2015.

8.5 In terms of numbers of stowaways, the cases reported to the Organization involved 2,052 stowaways in 2008; 1,070 in 2009, 721 in 2010, 189 in 2011, 64 in 2012, 203 in 2013, 120 in 2014 and 52 in 2015.

Stowaway cases and stowaways

Year	2008	2009	2010	2011	2012	2013	2014	2015
Stowaway cases	494	314	253	73	90	70	61	21
Stowaways	2,052	1,070	721	193	166	203	120	52

8.6 The Committee noted that the total number of reports received by the Organization until 31 December 2015 was 4,474, which involved 13,984 stowaways.

8.7 The Committee noted the fact that, despite the new facility provided in GISIS, the downward trend of notifications to IMO was pronounced, and the number of reports were very low and therefore the statistics were not very reliable (only 61 stowaway cases and 120 stowaways in 2014 and 21 stowaway cases and 52 stowaways in 2015).

8.8 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 IMO making use of the GISIS module.

8.9 The P&I Clubs reminded the Committee that had carried out two previous data collection exercises in respect of stowaways in order to encourage the better implementation of the "Revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases", through closer cooperation of national administrations, port authorities, shipmasters and shipowners in order to facilitate the disembarkation and repatriation of stowaways. The two previous data collection exercises had analysed data in respect of the numbers, total cost, nationalities and ports of embarkation of stowaways for the policy years 2007-2008 (FAL 36/6) and 2011-2012 (FAL 38/6/2). The P&I Clubs informed the Committee that a third data collection exercise had commenced for the policy year 2014-2015 and the results of this exercise would be reported to FAL 41. The P&I Clubs hoped that having three data sets at three-yearly intervals would clarify whether there were any trends in the data and, in particular, whether there was any indication that the regional seminars that had been held (see paragraph 12.2.3) had had an impact on the issue.

8.10 The Committee noted the information provided by the Secretariat related to some improvements introduced in the interface of the stowaway module in the GISIS system, to facilitate the upload of the information as well as for the production of reports on stowaways. The details of the improved module would be promulgated by means of a circular letter soon after FAL 40.

8.11 The Committee recalled that FAL 27 had instructed the Secretariat to issue a statistical analysis of the report received by the Organization for each calendar year on an annual basis, and a quarterly list of incidents, and taking into account the new facility of GISIS, the Committee agreed to discontinue the issue of quarterly list of incidents of stowaways and circulars on annual statistics of the incidents of stowaways for the calendar years. However, the Secretariat will keep the Committee informed about the annual and total figures of stowaways received by the Organization.

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

8.12 The Committee recalled that FAL 39 had noted that the total number of incidents related to unsafe practices associated with the trafficking or transport of migrants by sea reported to the Organization for the period 1 January 1999 to 1 September 2014 was 1,925, involving 88,833 mixed migrants.

8.13 The Committee recalled further that FAL 39 had noted that the actual numbers of mixed migrants and persons rescued at sea were significantly higher than as reported in GISIS and that the number had increased significantly in 2014 with large numbers of people needing to be rescued.

8.14 The Committee noted that following the decision of MSC 95 to amend the reporting format set out in the annex to document MSC 95/21/10/Add.1, the new inter-agency platform for information sharing on migrant smuggling by sea populated by the IMO Secretariat using the data contained in existing MSC.3 circulars, was launched on 6 July 2015, and included publicly accessible data and restricted access information for Member States. Details of the new joint platform was promulgated in Circular Letter No.3569, issued on 15 July 2015.

8.15 The Committee noted that following the introduction of the new platform, the function of the FAL module in GISIS promulgating Reports on unsafe practice associated with the trafficking or transport of migrants by sea (Circular Letter No.3281 of 28 June 2012) has been deactivated and was no longer available in GISIS.

8.16 The Committee noted with concern that since the date of the launch of the platform, only one incident had been introduced in the joint database on migrants smuggling by sea.

8.17 The Committee agreed to encourage Member Governments to provide timely and accurate information on migrant incidents and on suspected smugglers and vessels to the Organization via the facilitation module in GISIS.

9 GUIDELINES ON THE FACILITATION ASPECTS OF PROTECTING THE MARITIME TRANSPORT NETWORK FROM CYBERTHREATS

9.1 The Committee recalled that FAL 39 had considered the need for the development of *Guidelines on maritime cybersecurity* in light of the dramatic increases in the use of cybersystems across the maritime sector; however, FAL 39 had noted that the relevant planned output in the High-level Action Plan for the Organization gave responsibility for maritime security to MSC and not to FAL; that the industry was already working to address the issue; and that the issue was also being considered by the Maritime Safety Committee.

9.2 The Committee recalled that following consideration of a proposal from Canada (document FAL 39/WP.8), FAL 39 had agreed to include in the post-biennial agenda of the Committee an output on "Guidelines on maritime cybersecurity", with one session needed to complete the item.

9.3 The Committee noted that C 113 (document C 113/D, section 6) had endorsed, inter alia, the new outputs agreed at the session for inclusion in the High-level Action Plan and priorities for the 2016-2017 biennium, with the modification that the title of the output should read "Guidelines on the facilitation aspects of protecting the maritime transport network from cyberthreats".

9.4 The Committee noted that A 29 had adopted within the High-level Action Plan (resolution A.1098(29)), output 6.1.1.2 that called for development of "Guidelines on the facilitation aspects of protecting the maritime transport network from cyberthreats".

9.5 The Committee noted that the issue of cybersecurity was also being considered by MSC and that the task for the FAL Committee is to focus on the facilitation aspects of protecting the maritime transport network. Within this context, and in considering the facilitation aspects of protecting the maritime transport network from cyberthreats, as opposed to the preventive security and mitigation aspects, the Committee noted that:

- .1 the objectives of the International Ship and Port Facility Security (ISPS) Code include the establishment of a framework to "detect security threats and take preventive measures against security incidents affecting ships or port facilities used in international trade";
- .2 the Organization had issued a range of guidance on security risk management. A comprehensive framework for conducting security assessments against all threats is contained in section 5 of the *Guide to Maritime Security and the ISPS Code*;
- .3 both the Facilitation and Maritime Safety Committees have agreed (MSC-FAL.1/Circ.1) that the WCO has primacy over supply chain security, with IMO's role being limited to those aspects related to ships and port facilities; and
- .4 the FAL Convention, SOLAS Convention, ISPS Code, and the "Guide to Maritime Security and the ISPS Code" do not directly address the responsibility of Administrations to protect the ship arrival, stay, departure and security information they receive in compliance with requirements in those documents.

9.6 The Committee considered the following documents:

- .1 FAL 40/9 (Canada and United States), proposing a framework in the development of cyber risk management (CRM) guidelines for the protection of trade-related information; highlighting the threats to safety and security arising from vulnerabilities from improper integration of cybersystems; and proposing coordination with the MSC for the joint FAL-MSC development of a single set of non-mandatory, holistic CRM guidelines that would address safety, security and trade-related information;

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- .2 FAL 40/INF.5 (Canada and United States) providing an amalgamation of international CRM best practices that could serve as a point of reference for the elaboration of the guidelines proposed in the annex to document FAL 40/9;
 - .3 FAL 40/9/1 (ICS et al.) providing comments on document FAL 40/9, and while recognizing the benefits in a goal of developing a single set of cyber risk management guidelines, as a long-term objective, that would address the safety of cybersystems on board ships, including the "trade related information" as discussed in FAL 40/9; however, anything outside of the "facilitation aspects" would best be discussed by MSC; and
 - .4 FAL 40/INF.4 (ICS et al.) providing information about the newly developed industry cybersecurity guidelines on board ships.

9.7 The Committee, recognizing that MSC is responsible for maritime security, agreed that in order to avoid duplication, proper coordination with the Maritime Safety Committee was needed in order to develop a single set of non-mandatory cyber risk management guidelines, including the protection of trade-related information.

9.8 The majority of delegations proposed that it was premature to consider the development of the guidelines at this stage, and expressed the opinion that the Committee should wait for the outcome of the Maritime Safety Committee before developing the part of the guidelines related to the protection of trade-related information. However, the Committee agreed to have a preliminary discussion to identify the facilitation aspects of cyberthreats that may affect international maritime traffic, and to inform the Maritime Safety Committee accordingly.

Instructions to the working group

9.9 Having considered the above matters, the Committee instructed the Working Group on electronic means for the clearance of ships, under the chairmanship of Mr. Roger Butturini (United States) taking into account documents FAL 40/9, FAL 40/9/1 and the comments, proposals and decisions made in plenary, to consider, in principle, the facilitation aspects of cyberthreats that may affect international maritime traffic, in order to better inform the Maritime Safety Committee's deliberations on cybersecurity.

Report of the working group

9.10 Having received the relevant part of the report of the working group (FAL 40/WP.3), the Committee, having agreed to include Chile and Mexico as participants in the group, took action as indicated hereunder.

9.11 The Committee endorsed the views of the working group that:

- .1 the FAL Committee has a role in the Organization's response to the growing cyberthreats;
- .2 the FAL Committee has important responsibilities related to the management of risks associated with cyberthreats in respect to facilitation, such as MSWs, processes for electronic certificates and data exchange between ships and shore, pre-arrival information based on the Convention and processes involving ship-port interface; and

- .3 should MSC decide to develop guidelines on cybersecurity, this should be done as joint FAL/MSC guidelines, to avoid duplication, and whose principles could be applied to all stakeholders, including both the ship and the shore side.

9.12 The Committee agreed to extend the target completion date for this agenda item to 2017, due to the need to wait the outcome of MSC on this issue. The Committee invited Member States to present concrete proposals to FAL 41 on the facilitation aspects that should be included in the possible joint guidelines on cybersecurity, taking into account the outcome of MSC 96.

10 GUIDELINES ON MINIMUM TRAINING AND EDUCATION FOR MOORING PERSONNEL

10.1 The Committee recalled that FAL 32 had approved FAL.6/Circ.11, *Guidelines on minimum training and education for mooring personnel*, and had established a Correspondence Group on Development of a Model Course on Training of Mooring Personnel.

10.2 The Committee recalled that FAL 38 had agreed to include a new output on "Review the Guidelines on minimum training and education for mooring personnel" in the High-level Action Plan of the Organization and priorities for the 2014–2015 biennium.

10.3 The Committee recalled that FAL 39 had considered document FAL 39/9 (Belgium, Italy and Spain) proposing to amend FAL.6/Circ.11, and had agreed to forward this document to the Working Group on FAL Circulars on Training of Mooring Personnel.

10.4 The Committee recalled that FAL 39 had considered the report of the working group (FAL 39/WP.7), and having noted the division of opinions in the working group, FAL 39 had recognized that it was not possible to approve the revised guidelines prepared by the working group at that time. FAL 39 had further noted the following issues that should be considered in the future revision of the guidelines:

- .1 the need to include in the guidelines a definition on mooring personnel; and
- .2 whether to maintain the references to the privatization of ports services in the circular.

10.5 The Committee recalled that FAL 39 had approved the extension of this output to 2016 and invited Member States and international organizations to present proposals to FAL 40.

10.6 The Committee considered documents FAL 40/10 (IFSMA, IHMA and the Nautical Institute) and FAL 40/10/1 (Italy and Spain), which contained two different proposals for amending these guidelines.

10.7 The Committee, noting the differences on the scope of application of the guidelines in the two documents, i.e. document FAL 40/10, maintaining the existing two-level training approach, and document FAL 40/10/1, proposing the same level of training to all mooring personnel whether they are on boat or not, agreed that two levels of training should be included in the guidelines. Based on this decision, the Committee decided to use document FAL 40/10 as the basic document for the discussion on the working group but to take into account the detailed suggestions made in document FAL 40/10/1.

Establishment of the working group

10.8 The Committee established the Working Group on the FAL Circular on training of mooring personnel under the Chairmanship of Mr. Haakon Storhaug (Norway), and instructed it, taking into account documents FAL 40/10 and FAL 40/10/1, the decisions of, and comments and proposals made in plenary, to:

- .1 review the *Guidelines on minimum training and education for mooring personnel*, and prepare a final draft for approval by the Committee based on document FAL 40/10; and
- .2 prepare the cover of a FAL Circular, if appropriate.

Consideration of the report of the working group

10.9 Having considered the report of the working group (FAL 40/WP.4) under this agenda item, the Committee approved it in general.

10.10 The Committee, having considered some amendments proposed to the text, approved FAL.6/Circ.11/Rev.1 on *Guidelines on minimum training and education for mooring personnel*.

11 REVIEW OF THE ICAO/IMO PUBLICATION ON INTERNATIONAL SIGNS TO PROVIDE GUIDANCE TO PERSONS AT AIRPORTS AND MARINE TERMINALS

11.1 The Committee recalled that FAL 39 had considered document FAL 39/13 (Italy and ISO), proposing a review of the Joint IMO/ICAO publication on international signs to provide guidance to persons at airports and marine terminals, and had agreed to include in the post-biennial agenda of the Committee an output on "Review of the international signs to provide guidance to persons at marine terminals". Taking into account that the subject would not be considered by the Committee until the spring of 2016, FAL 39 had agreed to inform ICAO of that decision and, in order to avoid any possible delay, to recommend ICAO to release their publication on international signs to provide guidance to persons at airport terminals, as appropriate. After FAL 39, the ICAO Secretariat had advised that ICAO would not complete its work until May 2016, and therefore ICAO could wait for the outcome of FAL 40.

11.2 The Secretariat further informed the Committee on the plan by the ICAO Secretariat to present a progress report to the meeting of the ICAO Facilitation Panel in April 2016, and to continue its work intersessionally, with the aim of completing it by summer 2017.

11.3 The Committee considered document FAL 40/11 (ISO), proposing to work intersessionally through its Technical Committee 8, and to present the revised contents of the publication as appropriate to FAL 41. Member States were invited to advise ISO as necessary in their work, by contacting the chairman of ISO TC8 SC1² or the secretary to SC1³ for further information or to take part in the development of the necessary signs.

11.4 During the ensuing discussions, the Committee noted concerns expressed that the signs under consideration with respect to marine terminals were not safety-related and were already fit for purpose. ISO confirmed that the intention was to align only safety-related signs to ensure that they were the same on board ships as in marine terminals. There was therefore little for IMO to do other than to validate the work of ICAO in order that the outcome of ICAO's work could go forward as a joint publication.

² Mr. Robin Townsend – robin.townsend@lr.org

³ Mr. Michael Blair – Michael.L.Blair@uscg.mil

11.5 The Committee decided that as ICAO would not complete the work until late 2017, it would be more appropriate to place the item on the post-biennial agenda, rather than to consider the matter at FAL 41.

12 TECHNICAL COOPERATION ACTIVITIES RELATED TO FACILITATION OF MARITIME TRAFFIC

12.1 The Committee recalled that TC 65 had approved the Integrated Technical Cooperation Programme (ITCP) for 2016-2017 which included several activities relevant to the FAL Convention to be implemented during the biennium.

12.2 The Committee considered document FAL 40/12 (Secretariat) that reports on the status of activities relevant to the implementation of the FAL Convention, as amended, conducted under the ITCP in the period from May 2014 to November 2015, and noted that:

- .1 two sub-regional seminars were held in Turkey and Bahrain;
- .2 three national seminars were held in Angola, Cambodia and Papua New Guinea to promote the accession of the FAL Convention and to encourage better implementation of the FAL Convention. These national seminars offered a better understanding of the FAL Convention, electronic means for the clearance of ships and the use of the single window concept. The seminars also focussed on improving the coordination between public authorities and the private sector in ports;
- .3 following the successful Regional Seminar on Stowaways in West and Central Africa held in Côte d'Ivoire, the Secretariat had organized a regional seminar on "Stowaways in Eastern and Southern Africa: Analysis of the current situation and measures to reduce their number", in South Africa; and
- .4 other important project related to facilitation was the Demonstration Project that was approved by TC 62, with the aim of "showing the potential role of maritime transport facilitation in the reduction of poverty (MDG 1)". The Secretariat had fielded one mission to Cameroon in February 2015 to conduct the second and last part of the second phase of the Project. The Committee noted that the analysis of the two phases of the project and the consultants' reports had commenced and the result of the exercise will be presented to TC 66.

12.3 The delegation of Cameroon expressed its appreciation for the demonstration project on the potential impact of facilitation on maritime transport and the reduction of poverty. The stakeholders in Cameroon had considered the consultants' report to be useful. The key recommendations on strengthening facilitation measures in ports would form the basis for a request for further technical assistance from the Organization.

12.4 The Committee concluded by urging Member States to contribute to the technical cooperation programme of IMO.

13 RELATIONS WITH OTHER ORGANIZATIONS

Relations with non-governmental organizations

13.1 In considering document FAL 40/13 (Secretariat), the Committee noted the relevant decisions of C 113 and C 114 in respect of relations with non-governmental organizations, and in particular welcomed the decision of C 114 for granting consultative status to the International Port Community Systems Association (IPCSA), because the contribution of the new NGO might have a positive impact to the work of the Committee.

14 APPLICATION OF THE COMMITTEE'S GUIDELINES

14.1 The Committee recalled that FAL 39 had approved FAL.3/Circ.210 on the *Guidelines on the organization and method of work of the Facilitation Committee*.

14.2 The Committee recalled that A 29 had adopted resolution A.1099(29), the document on *Application of the Strategic Plan and the High-level Action Plan of the Organization*, that requested the Council and the committees to review and revise, during the 2016-2017 biennium, the guidelines for the organization and method of their work, taking into account the document on *Application of the Strategic Plan and the High-level Action Plan of the Organization*, as appropriate.

14.3 The Committee considered documents FAL 40/14 and FAL 40/INF.2 (Secretariat) proposing amendments to the Committee's Guidelines on the organization and method of its work, and the following views were expressed:

- .1 there were some editorial differences between the text proposed by the Secretariat and resolution A.1099(29); and
- .2 taking into account the compulsory nature of resolution A.1099(29), the text should be reviewed to reflect the mandatory character that the text should have.

14.4 After a thorough discussion, the Committee agreed to delete the word "Guidelines" from the title and from the text, and to use mandatory language along the new document as necessary, based on resolution A.1099(29). The Committee agreed to instruct the Secretariat to prepare a working paper including the aforesaid amendments, in order to be considered by the Committee on Friday, 8 April.

14.5 The Committee, having considered FAL 40/WP.6, approved FAL.3/Circ.211 on the "Organization and method of work of the Facilitation Committee" for circulation, which revokes the existing guidelines FAL.3/Circ.210.

14.6 The Committee instructed the Secretariat to prepare and circulate the new document on the organization and method of work of the Facilitation Committee, and authorized the Secretariat to effect any required editorial amendments which may be found necessary during the preparation of the document.

14.7 The Committee further agreed to advise the other committees that FAL 40 had reviewed its *Guidelines on the organization and method of work* to include mandatory language in its document in order to align with the document on *Application of the Strategic Plan and the High-level Action Plan of the Organization* adopted by resolution A.1099(29).

14.8 The Committee agreed further to amend the title of the agenda item on "Application of the Committee's Guidelines" to "Application of the Committee's procedures on Organization and method of work", to be consistent with the above-mentioned decision.

15 WORK PROGRAMME

Substantive items for inclusion in the agenda for FAL 41

15.1 In considering document FAL 40/WP.2 (Chairman) and on the basis of the progress made during the session, the Committee amended and approved the list of substantive items to be included in the provisional agenda for FAL 41, as set out in annex 3.

15.2 Noting the proposal by the Secretary-General to focus more on the relationship between ships and ports and, in particular, the role of the port as a fundamental service provider to ships, the Committee encouraged Member States and international organizations to revisit the concept of the ship/port interface and to present proposals to FAL 41 to include a new agenda item in the HLAP of the Organization.

Establishment of working and drafting groups during FAL 41

15.3 The Committee, taking into account the decisions made under various agenda items, agreed that working groups on the following items should be established at FAL 41:

- .1 application of single window concept; and
- .2 review of the Explanatory Manual to the FAL Convention.

15.4 The Committee recognized that, at this stage, it was not possible to predict if additional drafting groups should be established at FAL 41.

15.5 The Committee further agreed that, should the need arise, FAL 41 should determine any other working or drafting groups which might need to be established when considering the various agenda items. The Committee instructed the Secretariat, in consultation with the Chairman, to prepare and circulate the provisional timetable for FAL 41 and a list of the likely working or drafting groups which might need to be established for consideration by FAL 41.

Proposals for meeting weeks for the biennium 2018-2019

15.6 The Committee considered the proposal by the Secretary-General that the Committee should meet in regular session once a year, in accordance with Article 50 of the IMO Convention and Rule 2(a) of the Rules of Procedure, rather than the current frequency of once every 18 months, because this would enable the Committee to develop and achieve momentum in its important work.

15.7 The Committee recalled that FAL 37 (document FAL 37/17, paragraph 14.7) had proposed that the Committee should meet every 18 months, instead of every 12 months, based on the agenda for the next session and the then current budgetary and economic constraints. FAL 37 had agreed that the decision would need to be reviewed periodically, taking into account the agenda of the Committee as well as the need to progress facilitation-related matters. The Council (document C/ES 26/D, paragraph 8.2) had noted that the Committee's decision to meet every 18 months was subject to review.

15.8 In order to comply with the IMO Convention, and to develop and achieve momentum of the work of the Committee, the Committee agreed to reverse the decision adopted by FAL 37, and to meet in future in regular sessions once a year.

15.9 The Committee further agreed to reduce the meeting days of the Committee to 4 days and 8 associated interpretation sessions. This decision would be applicable to FAL 41 and subsequent sessions of the Committee, and the duration of the sessions would be reviewed periodically taking into account the workload of the agenda.

15.10 The Committee agreed to hold one meeting week during 2018 and one meeting week during 2019 (4 days and 8 associated interpretation sessions for each session), and invited the Secretary-General to prepare relevant budgetary proposals for the biennium 2018-2019 for consideration by the thirtieth regular session of the Assembly in November 2017.

Date and venue of the next session

15.11 The Committee noted that FAL 41 had been tentatively scheduled to take place from 4 to 7 April 2017 at the IMO Headquarters, 4 Albert Embankment, London, United Kingdom, based on the decision referred above.

Status of outputs of the Committee for the 2018-2019 biennium

15.12 The Committee noted that in accordance with paragraph 9.1 of the document on the *Application of the Strategic Plan and the High-level Action Plan of the Organization*, adopted by resolution A.1099(29), the reports on the status of outputs included in the High-level Action Plan shall be prepared and annexed to the report of each session of the sub-committees and committees, and to the biennial report of the Council to the Assembly. Such reports shall identify new outputs accepted for inclusion in the biennial agendas.

15.13 The Committee noted further that resolution A.1099(29) also requested that, in preparing such reports, each organ of the Organization should consolidate therein all the reports on the status of outputs which it has received since its previous report.

15.14 The Committee endorsed the status of the outputs for the 2016-2017 biennium included in the biennial status report which had been prepared by the Secretariat, in consultation with the Chairman, as set out in annex 4.

Post-biennial agenda of the Committee

15.15 The Committee noted that in the context of resolution A.1099(29) the Committee shall establish and maintain a post-biennial agenda, using the format set out in the aforementioned document, and it shall be annexed to the reports of each session.

15.16 The Committee endorsed the status of outputs accepted as post-biennial outputs for the 2016-2017 biennium, and which are provided in annex 5.

Development of a new Strategic Framework for the Organization for 2018-2023

15.17 The Committee noted the decision of A 29 to develop a new strategic framework for the Organization for 2018-2023, output number 4.0.3.1, with a target completion year of 2017.

15.18 The Secretariat informed the Committee on its intention to submit a document with the revised outputs of the Committee in line with the new strategic framework to FAL 41, for its consideration and proper action. The Committee noted that FAL 41 would report the outcome of this revision to C 118 accordingly.

16 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2017

16.1 The Committee, in accordance with its Rules of Procedure, re-elected Mr. Yury Melenas (Russian Federation) to the post of Chairman and Mrs. Marina Angsell (Sweden) to the post of Vice-Chairman for 2017, by acclamation.

17 ANY OTHER BUSINESS**Review of Administrative requirements in mandatory instruments**

17.1 When considering document FAL 40/17/1, the Committee noted that C 113 had approved the final report of its Ad Hoc Steering Group on Reducing Administrative Requirements and had requested the relevant committees to review administrative requirements under their purview and to consider how to proceed with the outcome of the SG-RAR's work, with a view to developing appropriate outputs to be included in the High-level Action Plan for 2016-2017.

17.2 The Committee noted further that LEG 102, MEPC 68 and MSC 95 had considered the relevant requirements compiled by the Secretariat related to the work of the Legal Committee, environment-related, and safety- and security-related IMO instruments, respectively, along with the SG-RAR's recommendations and a summary of feedback obtained during the public consultation. (LEG 102/6, annex, MEPC 68/13/2, annex and MSC 95/21, annex), and they had instructed the Secretariat to analyse the information taking into account the decisions by A 28 concerning reporting through GISIS (resolution A.1074(28)) and the outcome of the work of the Correspondence Group on the use of electronic record books under MARPOL, and to report the outcome of this analysis to LEG 103, MSC 96 and MEPC 69.

17.3 The Committee noted that A 29 had included the output 14.0.1.1 on "Analysis and consideration of recommendations to reduce administrative burdens in IMO instruments including those identified by the SG-RAR" in the HLAP for the 2016-2017 biennium, and although the FAL Committee had not had the opportunity to consider the outcome of C 113, and based on the other committees' decisions and in anticipation of FAL's concurrence at its session in 2016, the FAL Committee had also been included as a parent organ for the above-mentioned output.

17.4 The Committee concurred with the decision of A 29 to include FAL Committee as a parent organ for the output 14.0.1.1 on "Analysis and consideration of recommendations to reduce administrative burdens in IMO instruments including those identified by the SG-RAR".

17.5 The Committee noted that no administrative requirements associated with the FAL Convention were in the list of administrative requirements perceived as being an administrative burden (C 113/11, appendix 7).

17.6 The Committee considered the list compiled by the Secretariat (document FAL 40/17/1, annex). The Committee noted that although the nine requirements under the Committee's purview related to facilitation-related IMO instruments had not been identified by stakeholders as an administrative burden specifically, they had been found by the SG-RAR to be similar to requirements that were deemed to be administrative burdens in relation to conventions under the purview of other Committees (as set out in document C 113/11, appendix 6), and therefore could benefit from a review by the FAL Committee.

17.7 The Committee instructed the Secretariat to take into account the decisions of A 28 concerning reporting through GISIS (resolution A.1074(28)) and the decisions by A 29 related to the Organization's continued efforts to reduce administrative burdens, and to analyse this information with respect to feasibility, costs, benefits and likelihood of being used. The Committee agreed to take the outcomes of the related discussions of MEPC 69 and MSC 96 into account at FAL 41. The Committee also invited Member States to submit proposals to FAL 41.

17.8 The Committee considered the proposal made by the Secretariat to establish a joint MSC/MEPC/FAL working group during FAL 41 to consider the requirements and propose common solutions. The Committee noted that the intent behind the Secretariat's proposal was to have a coordinated and holistic approach with the outputs from all technical committees and to take into account that neither MSC nor MEPC have any free working groups to undertake this work. However, the Committee expressed doubts on how feasible a joint working group would be and did not support the proposal.

Declaration of the United for Wildlife International Taskforce on the Transportation of Illegal Wildlife Products

17.9 The Committee considered document FAL 40/17/3 (Secretariat) related to the Declaration of the United for Wildlife International Taskforce on the Transportation of Illegal Wildlife Products, signed by the Secretary-General of the Organization on 15 March 2015. The Committee noted that the Declaration was prepared by an International Taskforce on the transportation of illegal wildlife products, and contained firm commitments to tackle the illegal wildlife trade.

17.10 The Committee noted that many within the transport sector, including companies represented on the task force, had agreed to enforce a zero-tolerance policy by never knowingly facilitating or tolerating the carriage of illegal wildlife or illegal wildlife products. The policy will be included in documents such as conditions of carriage, employment and client contracts as well as in marketing material.

17.11 The Committee noted that the illegal wildlife trade has many parallels with the illicit drug trade, an issue that was addressed by the Committee in the past, for example through the adoption of resolution FAL.9(34) on *Revised Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic*. The Committee while recognizing that IMO is not the lead agency for the prevention and suppression of the illegal wildlife trade or the smuggling of drugs, agreed that a failure to take appropriate measures to prevent the carriage of such products on board ships might lead to seafarers being delayed for legal proceedings and their ships being delayed.

17.12 The Committee noted the information provided in document FAL 40/17/4 (CLIA), with the experience of CLIA and support for the United for Wildlife International Taskforce on the transportation of illegal wildlife products and their related draft declaration.

17.13 The United Kingdom reiterated the human cost of the illegal wildlife trade funding organized crime and illegal armed groups, welcomed the fact that the shipping industry was already participating within the Taskforce and strongly encouraged further engagement in this vital work.

17.14 The Committee encouraged Member States and observer delegations to bring the Declaration to the attention of relevant national authorities and constituent members, as appropriate.

Information concerning the development of uniform definitions of ship port operations in support of safe, efficient and sustainable transport logistics

17.15 The Committee considered document FAL 40/INF.3 (BIMCO et al.), with information about industry discussions to develop internationally agreed definitions of ship port operations, and noted that international organizations and industry representatives from 15 major shipping lines and four leading ports had been working together in a Port Call Optimization "Taskforce" to develop a common understanding of the stages of ship port operations related to time, place and activity in line with the current practices on board ships, at terminals, and in commercial contracts.

17.16 The Committee invited the co-sponsors to present to FAL 41 the outcome of the test of the new definitions of ship port operation events during real time ship calls to be held in 2016.

United Nations verification and inspection mechanism for Yemen

17.17 The Committee noted the information provided by the Secretariat on the work of the United Nations Verification and Inspection Mechanism for Yemen (UNVIM) established pursuant to United Nations Security Council Resolution 2216 (2015):

- .1 United Nations Security Council Resolution 2216 (2015), adopted on 14 April 2015, calls upon Member States, in particular Member States neighbouring Yemen, to inspect, in accordance with their national authorities and legislation and consistent with international law, all cargo to Yemen in their territory, if the Member State concerned has information that provides reasonable grounds to believe the cargo contains arms and related material prohibited by paragraph 14 of the resolution;
- .2 pursuant to Resolution 2216 (2015) and at the request of the Government of the Republic of Yemen, the Secretary-General of the United Nations had instituted a United Nations Verification and Inspection Mechanism (UNVIM) for the facilitation of commercial imports to Yemen; and
- .3 further information on Resolution 2216 (2015), information for Member States, UNVIM standard operating procedures and online forms for use by industry can be found on UNVIM's public website (<http://www.vimye.org/>).

18 UNSAFE MIXED MIGRATION BY SEA

18.1 Following the agreement by the Committee to include a new agenda item on Unsafe mixed migration by sea (paragraph 1.8 above), the Committee considered under this agenda item the information provided in document FAL 40/17 (Secretariat) on the outcome of the inter-agency High-level meeting to address unsafe mixed migration by sea which was held at IMO Headquarters on 4 and 5 March 2015 and document FAL 40/17/2 (Secretariat) on Amendments to MSC/Circ.896/Rev.1.

18.2 The Committee noted that LEG 102, when considering the outcome of the inter-agency High-level meeting, had noted that the aim of the meeting had been to facilitate dialogue and promote enhanced cooperation and harmonization between United Nations agencies, international organizations, non-governmental organizations, Governments and the shipping industry. The following views had been expressed:

- the issue of mixed migration was a global problem and search and rescue (SAR) systems maintained by the shipping community were not designed for rescuing hundreds of thousands of people drifting on small, unseaworthy boats left in shipping lanes;

- the Legal Committee should review the international legal regime dealing with the complex issue of migration by sea and identify gaps that needed to be addressed;
- the issue should also be referred to MSC, FAL and the Council as a matter of priority;
- the situation of migrants at sea, and SAR services in the Mediterranean region, was desperate, with urgent action needed, and procedural obstacles should not prevent the Legal Committee and IMO from addressing this problem; and
- some delegations expressed concerns at the proposed review of the definition of "distress" and that the issue was one that extended beyond the Legal Committee.

18.3 The Committee noted that MSC 95, during a special session on unsafe mixed migration by sea to consider the outcome of the inter-agency High-level meeting, had considered key issues within its competence, including search and rescue and operation of merchant ships in view of the recent development of mass rescue of migrants, and following the discussion, MSC 95 had:

- .1 agreed to place on the agenda of MSC 96 an item on "Unsafe Mixed Migration by Sea";
- .2 invited Member States to make submissions to MSC 96, further elaborating on the issues and suggestions that they raised during MSC 95;
- .3 placed planned output 5.1.2.2, Measures to protect the safety of persons rescued at sea, on the agenda of NCSR 3 from the 2016-2017 biennium agenda; and
- .4 forwarded the *Guidance on ensuring the safety and security of seafarers and rescued persons* to the NCSR Sub-Committee for consideration and instructed NCSR 3 to report back to MSC 96.

18.4 The Committee noted further that on the invitation by Italy an Informal Meeting to Review the Legal Framework for the Rescue of Mixed Migrants at Sea was held at IMO Headquarters on 21 September 2015.

18.5 In considering document FAL 40/17/2, the Committee noted that the Secretariats of IMO, IOM and UNODC, following the recommendation of the inter-agency High-level meeting to address unsafe mixed migration by sea to develop shared databases on migrant incidents and on suspected smugglers and vessels, had proposed to MSC 95 amendments to the appendix of MSC/Circ.896/Rev.1, to reflect the information on migrant incidents and suspected smugglers and vessels to be included in the shared databases, leaving aside the trafficking of migrants as this issue was beyond the scope of cooperation between the three organizations.

18.6 The Committee also noted that MSC 95, having considered the proposals on shared databases on migrant incidents and on suspected smugglers and vessels:

- .1 had accepted, as work in progress, the amended reporting format set out in the annex to document MSC 95/21/10/Add.1;

- .2 had forwarded MSC/Circ.896/Rev.1 and the revised format to the FAL Committee for its consideration from that Committee's point of view with a view to adopting a joint MSC/FAL circular by FAL 40 and MSC 96; and
- .3 had invited Member Governments to bring the amended reporting format to the attention of all parties concerned, and to provide timely and accurate information on migrant incidents and on suspected smugglers and vessels to the Organization via the Facilitation module in GISIS.

18.7 No documents had been submitted to FAL 40 commenting on document FAL 40/17/2; however, following discussions, the Committee agreed to recommend that MSC take the following into account when amending MSC/Circ.896/Rev.1:

- .1 the non-mandatory nature of the text of the guidelines should be retained;
- .2 the first paragraph of the annex to the draft revised circular relating to a Convention against transnational organized crime should be deleted;
- .3 the third paragraph of the annex to the draft revised circular should refer to Member States rather than Contracting Governments;
- .4 with respect to the reporting format in the appendix to the annex to the draft revised circular, the title of the report should reflect that it is concerned with migrant incidents at sea;
- .5 in the reporting format, it was unclear what the difference was between the information sought in the "Brief description of incident and measures taken" and the "Details of smuggling of migrants by sea" fields. The two fields should be merged; and
- .6 to facilitate future updating, the circular should remain as an MSC circular under the purview of MSC rather than become a joint MSC-FAL circular.

Expressions of appreciation

18.8 The Committee expressed appreciation to the following delegates and members of the Secretariat, who had recently relinquished their duties, retired or been transferred to other duties, or were about to do so, for their invaluable contribution to its work and wished them a long and happy retirement or, as the case might be, every success in their new duties:

- Mr. Cristiano Aliperta (Italy) (on transfer)
- Ms. Elisabeth Barsacq (France) (on return home)
- Mr. Ismael Cobos (Spain) (on transfer)
- Seung-hwan Cho (Republic of Korea) (on return home)
- Mr. Jo Espinoza-Ferry (IMO) (on retirement)
- Mr. Mario Rubén Farinón (Argentina) (on transfer)
- Mr. Marten Koopmans (EC) (on retirement)
- Mr. Sylvain Lachance (Canada) (on retirement)
- Mr. Guangling Li (China) (on return home)
- Mr. Ali Akbar Marzban (Islamic Republic of Iran) (on return home)
- Mr. Dumisani Ntuli (South Africa) (on return home)
- Mr. Ibraheem Olugbade (Nigeria) (on retirement)
- Ms. Olga O'Neil (IMO) (on retirement)
- Mr. Charlie Piersall (ISO) (on retirement)

- Mr. Juan Pedro Retamoso (Uruguay) (on return home)
- Mr. Fidel Eduardo Reyes (Peru) (on return home)
- Mr. Carlos Salgado (Chile) (on return home)
- Mr. Pedro San Miguel (IMO) (on retirement)
- Ms. Janet Tang (IMO) (on retirement)
- Mr. Andrew Winbow (IMO) (on retirement)
- Mr. Noriyoshi Yamagami (Japan) (on return home)

19 ACTION REQUESTED OF OTHER IMO BODIES

19.1 The Council, at its one hundred and sixteenth regular session, is invited to:

- .1 consider the report of the fortieth 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 thirtieth session of the Assembly;
- .2 note the adoption of the amendments to the Annex of 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 2018, unless, prior to 1 October 2017, at least one-third of the Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments (paragraphs 4.9 and 4.10, and annex 1);
- .3 note the following decisions on the review of the *Guidelines on the organization and method of work of the FAL Committee*:
 - .1 to include mandatory language in order to align with the document on *Application of the Strategic Plan and the High-level Action Plan of the Organization* adopted by resolution A.1099(29) (paragraph 14.4);
 - .2 to delete the reference of the word "guidelines" throughout the text (paragraph 14.4);
 - .3 to approve the document on the "Organization and method of work of the Facilitation Committee" accordingly (paragraph 14.5); and
 - .4 to amend the title of the agenda item on "Application of the Committee's Guidelines" to "Application of the Committee's procedures on Organization and method of work", to be consistent with the above-mentioned decision (paragraph 14.8);
- .4 note the decision to reverse the decision adopted by FAL 37 on the frequency of FAL sessions, and to meet in future in regular sessions once a year (paragraphs 15.7 and 15.8);
- .5 note the decision to reduce the meeting days of the Committee to 4 days and 8 associated interpretation sessions. This decision would be applicable to FAL 41 and subsequent sessions of the Committee, and the duration of the sessions would be reviewed periodically taking into account the workload of the agenda (paragraph 15.9);

- .6 note the decision to hold one meeting week during 2018 and one meeting week during 2019 (4 days and 8 associated interpretation sessions for each session) (paragraph 15.10);
- .7 note the report on the status of outputs for the 2016-2017 biennium (paragraph 15.14 and annex 4);
- .8 note the updated post-biennial agenda of the Facilitation Committee (paragraph 15.16 and annex 5); and
- .9 note the outcome of the Committee's discussion on the review of administrative requirements in mandatory instruments (paragraphs 17.1 to 17.8) and, in particular, to note the decision of the Committee of not supporting the Secretariat's proposal to establish a joint MSC/MEPC/FAL working group during FAL 41 to consider the requirements and propose common solutions on the review of Administrative requirements in mandatory instruments (paragraph 17.8).

19.2 The Maritime Safety Committee, at its ninety-sixth session, is invited to:

- .1 note the outcome of the Committee's discussion on the issue of the guidelines on the facilitation aspects of protecting the maritime transport network from cyberthreats (paragraphs 9.5 to 9.12), and in particular the following views and decisions:
 - .1 the FAL Committee has a role in the Organization's response to the growing cyberthreats (paragraph 9.11.1);
 - .2 the FAL Committee has important responsibilities on the management of risks associated with cyberthreats in respect to facilitation (paragraph 9.11.2);
 - .3 if MSC decides to develop guidelines on cybersecurity, this should be done as joint FAL/MSC guidelines, to avoid duplication, and whose principles could be applied to all stakeholders, including both the ship and the shore side(paragraph 9.11.3); and
 - .4 to note the decision to extend the target completion date for this agenda item to 2017, due to the need to wait the outcome of MSC on this issue (paragraph 9.12);
- .2 note the outcome of the Committee's discussion on the issue of the electronic certificates (paragraphs 6.1 to 6.21), and in particular to:
 - .1 note the decision of the Committee to keep the *Guidelines for the use of electronic certificates* as a FAL circular, and not to convert it to an Assembly resolution or to incorporate it into the IMO Compendium, and to continue gathering experience with respect to the implementation of electronic certificates (paragraph 6.17);
 - .2 note the approval of FAL.5/Circ.39/Rev.2, on the *Guidelines for the use of electronic certificates* (paragraph 6.18);

- .3 note the decision not to re-establish the Correspondence Group on Electronic Access to Certificates and Documents and the invitation to Member States issuing electronic certificates to continue to share their experiences by submitting information to FAL 41 (paragraph 6.19); and
- .4 consider the draft amendments approved by FAL 40 to resolution A.1052(27) on Procedures for port State control, 2011, aimed at promoting wider acceptance of electronic certificates, and, if appropriate, subsequent submission to the Assembly for adoption (paragraph 6.21 and annex 2);
- .3 note the outcome of the Committee's discussion on the issue of the unsafe mixed migration by sea (paragraphs 8.14 to 8.17, and 18.1 to 18.7), and in particular to:
 - .1 note the information on the new inter-agency platform for information sharing on migrant smuggling by sea, and the decision of the Committee to encourage Member Governments to provide timely and accurate information on migrant incidents and on suspected smugglers and vessels to the Organization via the facilitation module in GISIS (paragraphs 8.14 to 8.17);
 - .2 consider the following recommendations when amending MSC/Circ.896/Rev.1 (paragraph 18.7):
 - .1 the non-mandatory nature of the text of the guidelines should be retained;
 - .2 the first paragraph of the annex to the draft revised circular relating to a Convention against transnational organized crime should be deleted;
 - .3 the third paragraph of the annex to the draft revised circular should refer to Member States rather than Contracting Governments;
 - .4 with respect to the reporting format in the appendix to the annex to the draft revised circular, the title of the report should reflect that it is concerned with migrant incidents at sea;
 - .5 in the reporting format, it was unclear what the difference was between the information sought in the "Brief description of incident and measures taken" and the "Details of smuggling of migrants by sea" fields. The two fields should be merged; and
 - .6 to facilitate future updating, the circular should remain as an MSC circular under the purview of MSC rather than become a joint MSC-FAL circular;

- .4 note the following decisions on the review of the *Guidelines on the organization and method of work of the FAL Committee*:
 - .1 to include mandatory language in order to align with the document on *Application of the Strategic Plan and the High-level Action Plan of the Organization* adopted by resolution A.1099(29) (paragraph 14.4);
 - .2 to delete the reference of the word "guidelines" throughout the text (paragraph 14.4);
 - .3 to approve the document on the "Organization and method of work of the Facilitation Committee" accordingly (paragraph 14.5); and
 - .4 to amend the title of the agenda item on "Application of the Committee's Guidelines" to "Application of the Committee's procedures on Organization and method of work", to be consistent with the above-mentioned decision (paragraph 14.8);
 - .5 note the outcome of the Committee's discussion on the review of administrative requirements in mandatory instruments (paragraphs 17.1 to 17.8) and, in particular, to note the decision of the Committee of not supporting the Secretariat's proposal to establish a joint MSC/MEPC/FAL working group during FAL 41 to consider the requirements and propose common solutions on the review of Administrative requirements in mandatory instruments (paragraph 17.8).
- 19.3 The Marine Environment Protection Committee, at its seventieth session, is invited to:
- .1 note the outcome of the Committee's discussion on the issue of the electronic certificates (paragraphs 6.1 to 6.21), and in particular to:
 - .1 note the decision of the Committee to keep the *Guidelines for the use of electronic certificates* as a FAL circular, and not to convert it to an Assembly resolution or to incorporate it into the IMO Compendium, and to continue gathering experience with respect to the implementation of electronic certificates (paragraph 6.17);
 - .2 note the approval of FAL.5/Circ.39/Rev.2, on the *Guidelines for the use of electronic certificates* (paragraph 6.18);
 - .3 note the decision not to re-establish the Correspondence Group on Electronic Access to Certificates and Documents and the invitation to Member States issuing electronic certificates to continue to share their experiences by submitting information to FAL 41 (paragraph 6.19); and
 - .4 consider the draft amendments approved by FAL 40 to resolution A.1052(27) on Procedures for port State control, 2011, aimed at promoting wider acceptance of electronic certificates, and, if appropriate, subsequent submission to the Assembly for adoption (paragraph 6.21 and annex 2);

- .2 note the following decisions on the review of the *Guidelines on the organization and method of work of the FAL Committee*:
 - .1 to include mandatory language in order to align with the document on *Application of the Strategic Plan and the High-level Action Plan of the Organization* adopted by resolution A.1099(29) (paragraph 14.4);
 - .2 to delete the reference of the word "guidelines" throughout the text (paragraph 14.4);
 - .3 to approve the document on the "Organization and method of work of the Facilitation Committee" accordingly (paragraph 14.5); and
 - .4 to amend the title of the agenda item on "Application of the Committee's Guidelines" to "Application of the Committee's procedures on Organization and method of work", to be consistent with the above-mentioned decision (paragraph 14.8);
 - .3 note the outcome of the Committee's discussion on the review of administrative requirements in mandatory instruments (paragraphs 17.1 to 17.8) and, in particular, to note the decision of the Committee of not supporting the Secretariat's proposal to establish a joint MSC/MEPC/FAL working group during FAL 41 to consider the requirements and propose common solutions on the review of Administrative requirements in mandatory instruments (paragraph 17.8).
- 19.4 The Technical Cooperation Committee, at its sixty-sixth session, is invited to:
- .1 note the outcome on the discussions related to the project on the development of a prototype maritime single window (paragraphs 5.27 to 5.32), and in particular to:
 - .1 note that the Committee was not in the position to recommend a way forward for the development of an MSW prototype and further information would be required before considering the issue any further (paragraph 5.31); and
 - .2 note that it is important to identify user needs in order to define the scope of the MSW prototype and, in this respect (paragraph 5.32) the Committee:
 - .1 invited Member States requiring assistance in the implementation of MSWs to contact the Secretariat (falsec@imo.org) as soon as possible in order to discuss their specific needs and explore possible solutions;
 - .2 invited Member States and organizations willing to assist with the implementation of MSWs or the development of a prototype MSW to contact the Secretariat or submit information to FAL 41; and

- .2 consider the following recommendations when amending MSC/Circ.896/Rev.1 (paragraph 18.7):
 - .1 the non-mandatory nature of the text of the guidelines should be retained;
 - .2 the first paragraph of the annex to the draft revised circular relating to a Convention against transnational organized crime should be deleted;
 - .3 the third paragraph of the annex to the draft revised circular should refer to Member States rather than Contracting Governments;
 - .4 with respect to the reporting format in the appendix to the annex to the draft revised circular, the title of the report should reflect that it is concerned with migrant incidents at sea;
 - .5 in the reporting format, it was unclear what the difference was between the information sought in the "Brief description of incident and measures taken" and the "Details of smuggling of migrants by sea" fields. The two fields should be merged; and
 - .6 to facilitate future updating, the circular should remain as an MSC circular under the purview of MSC rather than become a joint MSC-FAL circular.

ANNEX 1

RESOLUTION FAL.12(40)

(Adopted on 8 April 2016)

**AMENDMENTS TO THE ANNEX TO THE CONVENTION ON FACILITATION OF
INTERNATIONAL MARITIME TRAFFIC, 1965**

THE FACILITATION COMMITTEE,

RECALLING article VII(2)(a) of the Convention on Facilitation of International Maritime Traffic, 1965, as amended, hereinafter referred to as "the Convention", concerning the procedure for amending the annex to the Convention,

RECALLING FURTHER the functions which the Convention confers upon the Facilitation Committee for the consideration and adoption of amendments to the Convention,

HAVING CONSIDERED, at its fortieth session, amendments to the annex to the Convention proposed and circulated in accordance with article VII(2)(a) thereof,

1 ADOPTS, in accordance with article VII(2)(a) of the Convention, the amendments to the Convention, the text of which is set out in the annex to the present resolution;

2 DETERMINES, in accordance with article VII(2)(b) of the Convention, that the amendments shall enter into force on 1 January 2018 unless, prior to 1 October 2017 at least one-third of Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments;

3 REQUESTS the Secretary-General, in conformity with article VII(2)(a) of the Convention, to communicate the amendments contained in the annex to all Contracting Governments;

4 FURTHER REQUESTS the Secretary-General to notify all Signatory Governments of the adoption and entry into force of the said amendments.

ANNEX

**AMENDMENTS TO THE ANNEX TO THE CONVENTION ON FACILITATION OF
INTERNATIONAL MARITIME TRAFFIC, 1965**

Section 1 – Definitions and general provisions

A. Definitions

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

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

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

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

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

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

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

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

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

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

~~*Customs clearance.* Accomplishment of the customs formalities necessary to permit goods to enter home use, to be exported or to be placed under another Customs procedure.~~

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

Estimated time of arrival (ETA). Time when a ship estimates it will arrive at the pilot station serving a port or, when it expects to enter a specific location in the port area, where port regulations apply.

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

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

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

Master. The person having command of a ship.

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

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

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

Postal items. Correspondence and other objects tendered to be carried by a ship for carriage by postal administrations and intended for delivery to postal administrations in the ship's ports of call.

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

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

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

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

* Reference is made to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 (SUA Convention), the International Ship and Port Facility Security Code (ISPS Code) and the International Convention for the Safety of Life at Sea, 1974 (SOLAS), chapter XI-2.

Shipowner. One who owns or operates a ship, whether a person, a corporation or other legal entity, and any person other than the ship agent acting on behalf of the owner or operator.

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

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

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

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

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

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

Single Window. A facility that allows submission of standardized information covered by the Convention to a single entry point.

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

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

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

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

B. General provisions

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

1.1 **Standard.** Public authorities shall in all cases require only essential information to be furnished, and shall keep the number of items to a minimum.

1.1.1 *Not in use.*

~~1.1.1 **Recommended Practice.** Public authorities should take into account the facilitation implications which may result from the introduction of systems for the electronic exchange of information[, and should consider these in collaboration with shipowners and all other interested parties.~~

~~Existing information requirements and control procedures should be simplified, and attention should be given to the desirability of obtaining compatibility with other relevant information systems.~~

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

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

C. Systems for the electronic exchange of information

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

1.3**ter** **Standard.** Public authorities, when introducing systems for the electronic exchange of information to assist clearance processes, shall provide shipowners and other parties concerned with the necessary information about the systems requirements and give an adequate period of transition before the use of the systems are made mandatory. A period of no less than 12 months for transition to the mandatory use of the systems shall be provided from the date of the introduction of such systems.

1.3**quart** **Recommended Practice.** Public authorities should, for a transitional period, allow for the submission of required information for clearance processes in both electronic and paper form.

1.3**quin** **Recommended Practice.** Contracting Governments should encourage public authorities to introduce arrangements to enable the submission of all the information required by public authorities in connection with the arrival, stay and departure of ships, persons and cargo, avoiding duplication, to a "Single Window".

Consideration should also be given to such a Single Window serving as the mechanism through which the public authorities communicate decisions and other information covered by this Convention.

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

1.5 Standard. ~~Public authorities shall accept any of the documents required for clearance processes in paper form, when produced by data processing techniques on plain paper, provided that they are legible, conform to the layout of the documents in the FAL Convention and contain the required information.~~

1.4 *Not in use.*

1.5 *Not in use.*

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

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

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

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

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

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

1.8 *Not in use.*

1.8.1 *Not in use.*

~~1.8 **Standard.** Public authorities, when introducing systems for the electronic exchange of information to assist clearance processes, shall encourage their use by maritime operators and other parties concerned but shall not reduce levels of service available to operators who do not use such systems.~~

~~1.8.1 **Recommended Practice.** Contracting Governments should encourage public authorities to introduce arrangements to enable trade and transport operators including ships to submit all the information required by public authorities in connection with the arrival, stay and departure of ships, persons and cargo, avoiding duplication, to a single entry point.~~

D. Illicit drug trafficking

1.9 **Recommended Practice.** Public authorities should seek to establish cooperation arrangements with shipowners and other parties concerned to improve their ability to combat drug smuggling, while providing enhanced facilitation. Such arrangements could be based on the Customs Cooperation Council* Memoranda of Understanding and the associated guidelines.

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

E. Control techniques

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

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

thereby facilitating the legitimate circulation of persons and goods.

* Since 1994 known as the World Customs Organization.

Section 2 – Arrival, stay and departure of the ship

This section contains the provisions concerning the formalities required of shipowners by the public authorities on the arrival, stay and departure of the ship and shall not be read so as to preclude a requirement for the presentation, for inspection by the appropriate authorities, of certificates and other ~~papers carried~~ documents made available by the ship pertaining to its registry, measurement, safety, manning and other related matters.*

A. General

2.1 **Standard.** Public authorities shall not require for their retention, on arrival or departure of ships to which the Convention applies, any documents other than those covered by the present section.

The documents in question are:

- General Declaration
- Cargo Declaration
- Ship's Stores Declaration
- Crew's Effects Declaration
- Crew List
- Passenger List
- Dangerous Goods Manifest
- The document required under the Universal Postal Convention for mail
- Maritime Declaration of Health
- Security-related information as required under SOLAS regulation XI-2/9.2.2
- Advance electronic cargo information for customs risk assessment purposes
- Advanced Notification Form for Waste Delivery to Port Reception Facilities, when communicated to the Organization.

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

2.1.2 ~~Recommended practice.~~ **Standard.** Public authorities ~~should~~ shall develop procedures for the lodgement of ~~to use~~ pre-arrival and pre-departure information in order to facilitate the processing of such information ~~required by public authorities~~ for the expedited subsequent release/clearance ~~or~~ of cargo and persons.

* See ~~FAL.2/Circ.123-MEPC.1/Circ.769-MS.C.1/Circ.1409~~ FAL.2/Circ.127-MEPC.1/Circ.817-MS.C.1/Circ.1462.

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

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

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

2.1.5 ~~**Recommended Practice**~~ **Standard.** Public authorities shall:

- a) ~~develop systems for the electronic transmission of data for the lodgement of pre-arrival and pre-departure information; and~~
- b) ~~consider the reuse or subsequent use of the pre-arrival and pre-departure information in subsequent procedures [as part of all the information required] for the release/clearance of passengers and cargo, where such data is required.~~

B. Contents and purpose of documents

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

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

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

- name, type and IMO number of ship
- call sign
- flag State of ship
- voyage number
- particulars regarding registry
- particulars regarding tonnage
- name of master
- name and contact details of ship's agent

- brief description of the cargo
- number of crew
- number of passengers
- brief particulars of voyage
- date and time of arrival, or date of /departure
- port of arrival/erdeparture
- ~~position of the ship in the port~~
- the ship's requirements in terms of waste and residue reception facilities
- last port of call/next port of call.

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

2.3 **Standard.** The Cargo Declaration shall be the basic document on arrival and departure providing data required by public authorities relating to the cargo. However, particulars of any dangerous cargo may also be required to be furnished separately.

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

- (a) on arrival
- name and IMO number of ship
 - flag State of ship
 - name of master
 - ~~call sign~~
 - voyage number
 - port of loading
 - port where report is made
 - ~~freight~~ container identification, where appropriate; marks and numbers; number and kind of packages; quantity and description of the goods or, if available, the HS Code*

* Convention on the Harmonized Commodity Description and Coding System: also known as the "Harmonized system" (HS). This international Convention came into force on 1 January 1988; its objective is to establish a description and coding system for use by Customs administrations when designating commodities or commodity groups for the purposes of setting Customs tariffs and collecting statistics.

- transport document numbers for cargo to be discharged at the port in question
 - ports at which cargo remaining on board will be discharged
 - original ports of shipment in respect of goods shipped under multimodal transport documents or through bills of lading
- (b) on departure
- name and IMO number of ship
 - flag State of ship
 - name of master
 - call sign
 - voyage number
 - port of discharge
 - in respect of goods loaded at the port in question: freight container identification, where appropriate; marks and numbers; number and kind of packages; quantity and description of the goods or, if available, the HS Code
 - transport document numbers for cargo loaded at the port in question.

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

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

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

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

2.3.5 **Standard.** Public authorities shall allow unmanifested parcels in possession of the master to be omitted from the Cargo Declaration provided that particulars of these parcels are furnished separately.

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

2.4.1 **Standard.** Public authorities shall accept that the Ship's Stores Declaration is either dated and signed by the master or by some other ship's officer duly authorized by the master and having personal knowledge of the facts regarding the ship's stores, or authenticated in a manner acceptable to the public authority concerned.

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

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

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

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

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

- name and IMO number of ship
- flag State of ship
- call sign
- voyage number
- family name
- given names
- nationality
- rank or rating
- **gender**
- date and place of birth
- nature and number of identity document

- issuing State of identity document
- expiry date of identity document
- port and date of arrival/departure of the ship
- last port of call.

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

2.6.3 *Not in use.*

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

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

2.7.1 *Not in use.*

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

2.7.3 **Recommended PracticeStandard.** In the Passenger List, public authorities ~~should~~ **shall** not require more than the following data:

- name and IMO number of ship
- call sign
- flag State of ship
- voyage number
- family name
- given names
- nationality
- date of birth
- place of birth
- gender

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

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

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

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

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

- name of ship
- IMO number
- call sign
- voyage number
- flag State of ship
- ~~master's name~~
- port of loading
- port of discharge
- stowage position ~~on board~~
- ~~booking~~ reference number

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

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

2.10 **Standard.** The Maritime Declaration of Health shall be the basic document containing the data required by port health authorities relating to the state of health on board a ship during the voyage and on arrival at a port.

C. Documents on arrival

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

- 5 copies of the General Declaration
- 4 copies of the Cargo Declaration
- 4 copies of the Ship's Stores Declaration
- 2 copies of the Crew's Effects Declaration

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

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

D. Documents on departure

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

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

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

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

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

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

2.13 *Not in use.**

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

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

F. Completion of documents

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

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

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

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

G. Errors and amendments in documentation and penalties therefore

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

* Numbers in the 2.13 series are reserved for future use.

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

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

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

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

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

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

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

2.24 **Standard.** Where public authorities require the General Declaration, this document shall not contain more data than those mentioned in Recommended Practice 2.2.2 and, wherever possible, shall contain less.

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

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

2.27 **Standard.** Emergency medical treatment and measures for the protection of public health shall take precedence over any control measures which public authorities may apply to sick or injured persons being put ashore.

Section 3 – Arrival and departure of persons

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

A. Arrival and departure requirements and procedures

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

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

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

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

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

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

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

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

* A possible format for a covering letter is given in appendix 2.

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

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

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

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

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

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

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

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

- destination address
- signature.

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

3.8 **Recommended Practice.** Medical examination of persons on board or of persons disembarking from ships should normally be limited to those persons arriving from an area infected with quarantinable diseases within the incubation period of the disease concerned (as stated in the International Health Regulations). Additional medical examination may, however, be required in accordance with the International Health Regulations.

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

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

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

3.10 **Standard.** A passport or an identity document issued in accordance with relevant ILO Conventions, or else a valid and duly recognized seafarer's identity document, shall be the basic document providing public authorities with information relating to the individual member of the crew on arrival or departure of a ship.

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

- family name
- given names
- gender
- date and place of birth
- nationality
- physical characteristics
- photograph (authenticated)
- signature

- date of expiry (if any)
- issuing public authority.

3.10.2 **Standard.** When it is necessary for a seafarer to enter or leave a country as a passenger by any means of transportation for the purpose of:

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

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

3.10.3 **Recommended Practice.** Public authorities should not normally require presentation of individual identity documents or of information supplementing the seafarer's identity document in respect of members of the crew other than that given in the Crew List.

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

3.11 **Recommended Practice.** Public authorities should, with the cooperation of shipowners and port authorities, and/or port administration, take appropriate measures to the end that satisfactory port traffic flow arrangements may be provided so that passengers, crew and baggage can be cleared rapidly, should provide adequate personnel, and should ensure that adequate installations are provided, particular attention being paid to baggage loading, unloading and conveyance arrangements (including the use of mechanized systems) and to points where passenger delays are frequently found to occur. Arrangements should be made, when necessary, for passage under shelter between the ship and the point where the passenger and crew check is to be made. Such arrangements and installations should be flexible and capable of expansion to meet increased security measures during higher threat situations security levels.

3.11.1 **Recommended Practice.** Public authorities should:

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

- (ii) if crews are required to report to premises for governmental purposes, those premises should be readily accessible, and as close to one another as practicable.

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

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

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

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

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

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

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

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

* Reference is made to Recommended Practice 11 and appendix II of Annex F3 of the Kyoto Convention.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.35 *Not in use.*

E. Special measures of facilitation for passengers in transit

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

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

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

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

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

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

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

F. Measures of facilitation for ships engaged in scientific services

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

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

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

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

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

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

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

3.48 **Recommended Practice.** If crew members are required to carry documents of identity with them when they are on shore leave, these documents should be limited to those mentioned in Standard 3.10.

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

Section 4 – Stowaways

A. General Principles

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

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

B. Preventive measures

4.3 Ship/Port preventive measures

4.3.1 Port/terminal authorities

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

4.3.1.2 **Recommended Practice.** Operational arrangements and/or port facility security plans should, at least be equivalent to those contained in the relevant text of section B/16 of the ISPS Code. ~~inter alia, address the following issues where appropriate:~~

- ~~(a) regular patrolling of port areas;~~
- ~~(b) establishment of special storage facilities for cargo subject to high risk of access of stowaways, and continuous monitoring of both persons and cargo entering these areas;~~
- ~~(c) inspection of warehouses and cargo storage areas;~~
- ~~(d) search of cargo itself, when presence of stowaways is clearly indicated;~~
- ~~(e) cooperation between public authorities, shipowners, masters and relevant shoreside entities in developing operational arrangements;~~
- ~~(f) cooperation between port authorities and other relevant authorities (e.g. police, customs, immigration) in order to prevent smuggling of humans;~~
- ~~(g) developing and implementing agreements with stevedores and other shoreside entities operating in national ports to ensure that only personnel~~

* In addition, public authorities may wish to consider the non-binding conclusion of the UNHCR Executive Committee on Stowaway Asylum-Seekers (1988, No. 53 (XXXIX)).

~~authorized by these entities participate in the stowing/unstowing or loading/unloading of ships or other functions related to the ships stay in port;~~

~~(h) — developing and implementing agreements with stevedores and other shoreside entities to ensure that their personnel having access to the ship is easily identifiable, and a list of names of persons likely to need to board the ship in the course of their duties is provided; and~~

~~(i) — encouragement of stevedores and other persons working in the port area to report to the port authorities, the presence of any persons apparently not authorized to be in the port area.~~

4.3.2 Shipowner/~~Shipmaster~~Master

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

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

~~all doors, hatches and means of access to holds or stores, which are not used during the ships stay in port should be locked;~~
~~access points to the ship should be kept to a minimum and be adequately secured;~~

~~the ships stay in port should be locked;~~
~~access points to the ship should be kept to a minimum and be adequately secured;~~

~~areas seaward of the ship should be adequately secured;~~
~~adequate deck watch should be kept;~~

~~boardings and disembarkations should, where possible, be tallied by the ships crew or, after agreement with the shipmaster, by others;~~
~~adequate means of communication should be maintained; and~~

~~at night, adequate lighting should be maintained both inside and along the hull.~~

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

4.3.2.4 Standard. Contracting Governments shall require that fumigation or sealing of ships entitled to fly their flag may not be carried out until a search which is as thorough as ~~possible~~practicable of the areas to be fumigated or sealed has taken place in order to ensure that no stowaways are present in those areas.

4.3.3 National Sanctions

4.3.3.1 **Standard.** Where appropriate, Contracting Governments shall, ~~according to~~ incorporate into their national legislation, ~~prosecute stowaways~~ legal grounds to allow prosecution of stowaways, attempted stowaways and ~~persons aiding stowaways in gaining access to ships~~ any individual or company aiding a stowaway or an attempted stowaway with the intention to facilitate access to the port area, any ship, cargo or freight containers.

C. Treatment of the stowaway while on board

4.4 General principles – Humane treatment

4.4.1 **Standard.** Stowaway incidents shall be dealt with consistent with humanitarian principles, including those mentioned in Standard 4.1. Due consideration must always be given to the operational safety of the ship and the safety and wellbeing of the stowaway.

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

4.5 Work on board

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

4.6 Questioning and notification by the ~~shipmaster~~ ~~master~~

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

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

4.6.3 **Standard.** Contracting Governments shall instruct ~~shipmasters~~ ~~masters~~ operating ships entitled to fly their flag that when a stowaway declares himself/herself to be a refugee, this information shall be treated as confidential to the extent necessary for the security of the stowaway.

4.7 Notification ~~of~~ the International Maritime Organization

4.7.1 ~~Recommended Practice~~ **Standard.** Public authorities ~~shall~~ ~~should~~ report all stowaway incidents of which they become aware to the Secretary-General of the International Maritime Organization.

D. Deviation from the planned route

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

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

E. Disembarkation and return of a stowaway

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

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

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

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

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

4.10 Subsequent ports of call

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

4.11 State of Nationality or Right of Residence

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

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

4.12 State of Embarkation

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

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

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

4.13 The flag State

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

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

4.14 Return of stowaways

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

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

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

4.15 Cost of return and maintenance of stowaways

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

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

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

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

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

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

A. General

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

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

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

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

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

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

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

B. Clearance of cargo

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

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

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

5.9 ~~Not in use. Reserved.~~

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

5.10.1 **Recommended Practice.** Public authorities should ~~consider the introduction of~~ introduce simplified procedures for authorized persons allowing:

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

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

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

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

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

5.14.1 **Recommended Practice.** Public authorities should ~~endeavour to~~ quickly ~~clear~~ terminate the transit procedure covering goods from another State awaiting loading.

C. **Freight containers and pallets**

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

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

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

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

D. **Cargo not discharged at the port of intended destination**

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

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

E. **Limitation of shipowner's responsibilities**

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

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

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

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

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

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

6.2 **Recommended Practice.** Contracting Governments having certain interests in common owing to their health, geographical, social or economic conditions should conclude special arrangements pursuant to article 85 of the International Health Regulations when such arrangements will facilitate the application of those Regulations.

6.3 **Recommended Practice.** Where Sanitary Certificates or similar documents are required in respect of shipments of certain animals, plants or products thereof, such certificates and documents should be simple and widely publicized and Contracting Governments should cooperate with a view to standardizing such requirements.

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

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

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

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

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

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

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

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

6.11 **Recommended Practice.** Shipments of animals, animal raw materials, crude animal products, animal foodstuffs and quarantinable plant products should be permitted in specified circumstances ~~when accompanied by a quarantine certificate in the form agreed by the States concerned~~ and when the certification requirements have been met at the time of discharge.

Section 7 – Miscellaneous provisions

A. Bonds and other forms of security

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

B. Services at ports

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

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

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

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

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

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

C. Emergency assistance

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

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

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

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

D. National facilitation Committees

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

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

APPENDIX 1

GENERAL DECLARATION
(IMO FAL Form 1)

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

For official use

CARGO DECLARATION
(IMO FAL Form 2)

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

* Transport document number. Also state original ports of shipment in respect to goods shipped on multimodal transport document or through bills of lading.

SHIP'S STORES DECLARATION
(IMO FAL Form 3)

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

CREW LIST
(IMO FAL Form 5)

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

PASSENGER LIST
(IMO FAL Form 6)

Arrival Departure Page Number

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

DANGEROUS GOODS MANIFEST

(IMO FAL Form 7)

(As required by SOLAS 74, chapter VII, regulations 4.2 and 7-2.2, MARPOL, Annex III, regulation 4.32 and chapter 5.4, paragraph 5.4.3.1 of the IMDG Code)

Page
Number

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

ANNEX 2

DRAFT AMENDMENTS TO RESOLUTION A.1052(27)

PROCEDURES FOR PORT STATE CONTROL, 2011

- 1 Paragraph 1.7.11 is amended as follows:

1.7.11 **Valid certificates:** A certificate that has been issued electronically or on paper directly by a Party to a relevant convention or on its behalf by a recognized organization and contains accurate and effective dates meets the provisions of the relevant convention and to which the particulars of the ship, its crew and its equipment correspond.

- 2 Paragraph 2.2.4 is amended as follows:

2.2.4 If the certificates are valid and the PSCO's general impression and visual observations on board confirm a good standard of maintenance, the PSCO should generally confine the inspection to reported or observed deficiencies, if any. The validity of electronic certificates should be verified, if deemed necessary, by using the procedures retained on board for this purpose*.

* Refer to FAL.5/Circ.39/Rev.[2] on *Guidelines for the use of electronic certificates*.

ANNEX 3

**LIST OF SUBSTANTIVE ITEMS FOR INCLUSION IN THE PROVISIONAL AGENDA
FOR THE FORTY-FIRST SESSION OF THE COMMITTEE**

Opening of the session

Decisions of other IMO bodies

Consideration and adoption of proposed amendments to the Convention

Review and update the Explanatory Manual to the FAL Convention

Application of single-window concept

Measures to protect the safety of persons rescued at sea

Unsafe Mixed Migration by sea

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

Guidelines on the facilitation aspects of protecting the maritime transport network from cyberthreats

Analysis and consideration of recommendations to reduce administrative burdens in IMO instruments including those identified by the SG-RAR

Technical cooperation activities related to facilitation of maritime traffic

Relations with other organizations

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

Work programme

Election of Chairman and Vice-Chairman for 2018

Any other business

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

ANNEX 4

BIENNIAL STATUS REPORT OF THE FACILITATION COMMITTEE

FACILITATION COMMITTEE (FAL)								
Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)	Status of output for Year 1	Status of output for Year 2	References
1.1.1.1	Cooperate with the United Nations on matters of mutual interest, as well as provide relevant input/guidance	2017	Assembly	MSC / MEPC / FAL / LEG / TCC	Council	In progress		
1.1.2.1	Cooperate with other international bodies on matters of mutual interest, as well as provide relevant input/guidance	2017	Assembly	MSC / MEPC / FAL / LEG / TCC	Council	In progress		
1.3.3.1	Review the international signs to provide guidance to persons at marine terminals	2016	FAL			Postponed		FAL 40/19, paragraph 11.5
Notes: Moved to the Committee's post-biennial agenda.								
3.4.1.1	Input on identifying emerging needs of developing countries, in particular SIDS and LDCs to be included in the ITCP	Continuous	TCC	MSC / MEPC / FAL / LEG		Ongoing		

FACILITATION COMMITTEE (FAL)								
Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)	Status of output for Year 1	Status of output for Year 2	References
3.5.1.1	Identify thematic priorities within the area of maritime safety and security, marine environmental protection, facilitation of maritime traffic and maritime legislation	Annual	TCC	MSC / MEPC / FAL / LEG		Postponed		
3.5.1.2	Input to the ITCP on emerging issues relating to sustainable development and achievement of the MDGs	2017	TCC	MSC / MEPC / FAL / LEG		In progress		
4.0.1.3	Endorsed proposals for new outputs for the 2016-2017 biennium as accepted by the Committees	Annual	Council	MSC / MEPC / FAL / LEG / TCC		Completed		
4.0.2.1	Endorsed proposals for the development, maintenance and enhancement of information systems and related guidance (GISIS, websites, etc.)	Continuous	Council	MSC / MEPC / FAL / LEG / TCC		Completed		
4.0.3.1	Development of a new strategic framework for the Organization for 2018-2023	2017	Council	MSC / MEPC / FAL / LEG / TCC		In progress		

FACILITATION COMMITTEE (FAL)								
Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)	Status of output for Year 1	Status of output for Year 2	References
4.0.5.1	Revised guidelines on organization and method of work, as appropriate	2016	Council	MSC / MEPC / FAL / LEG / TCC		Completed		FAL 40/19, paragraph 14.5
5.1.2.2	Measures to protect the safety of persons rescued at sea	2017	MSC / FAL	III	NCSR	In progress		MSC 95/22, paragraph 21.18.3. FAL 39/16, paragraph 6.32
5.1.2.3	IMO's contribution to addressing Unsafe Mixed Migration by Sea	2017	MSC / FAL / LEG			In progress		
5.2.1.18	Review the Guidelines on minimum training and education for mooring personnel	2016	FAL			Completed		FAL 40/19, paragraph 10.10
6.1.1.2	Guidelines on the facilitation aspects of protecting the maritime transport network from cyberthreats	2016	FAL			Extended		FAL 40/19, paragraph 9.12
Notes: Target completion year extended to 2017 in order to wait the outcome of MSC 96 on the consideration of the guidelines on cybersecurity.								
8.0.1.1	Comprehensive review of the FAL Convention	2016	FAL			Completed		FAL 40/19, paragraphs 4.9 and 4.10

FACILITATION COMMITTEE (FAL)								
Output number	Description	Target completion year	Parent organ(s)	Associated organ(s)	Coordinating organ(s)	Status of output for Year 1	Status of output for Year 2	References
8.0.2.1	Consideration and analysis of reports and information on persons rescued at sea and stowaways	Annual	MSC / FAL			Completed		
8.0.3.1	Requirements for access to, or electronic versions of, certificates and documents, including record books required to be carried on ships	2017	FAL	MSC / MEPC / LEG / III		Completed		FAL.5/Circ.39/Rev.2; FAL 40/19, paragraphs 6.18 to 6.21; MEPC 68/21, paragraphs 13.2 and 17.26
8.0.3.2	Application of single-window concept	Continuous	FAL			Ongoing		
14.0.1.1	Analysis and consideration of recommendations to reduce administrative burdens in IMO instruments including those identified by the SG-RAR	2017	Council	III / HTW / PPR / CCC / SDC / SSE / NCSR	MSC / MEPC / FAL / LEG	In progress		

ANNEX 5

POST-BIENNIAL AGENDA OF THE COMMITTEE

FACILITATION COMMITTEE (FAL)								
ACCEPTED POST-BIENNIAL OUTPUTS				Parent organ(s)	Coordinating organs(s)	Associated organ(s)	Timescale (sessions)	References
Number	Biennium (when the output was placed on the post-biennial agenda)	Reference to High-level Actions	Description					
127	2012-2013	8.0.1	Review and update the Explanatory Manual to the FAL Convention to reflect any amendments to the annex to the FAL Convention	FAL			2	FAL 37/17, paragraph 4.6