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Agenda item 9

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CONSIDERATION OF THE REPORT OF THE FACILITATION COMMITTEE

Note by the Secretary-General

SUMMARY

<i>Executive summary:</i>	This document reports on the outcome of the thirty-second session of the Facilitation Committee
<i>Action to be taken:</i>	Paragraph 29
<i>Related document:</i>	FAL 32/22

THIRTY-SECOND SESSION OF THE FACILITATION COMMITTEE

Introduction

1 The report of the thirty-second session of the Facilitation (FAL) Committee (FAL 32/22) has been circulated to all IMO Member Governments and Contracting Governments to the 1965 Facilitation Convention and is submitted to the twenty-third extraordinary session of the Council for consideration and approval.

2 The thirty-second session of the Committee was held from 4 to 8 July 2005. It was chaired by Mr. C. Abela (Malta) and was attended by 58 Member States, one Associate Member, one United Nations specialized agency, three intergovernmental organizations and nine non-governmental organizations in consultative status.

3 Decisions taken by the Committee during the session under review are summarized in the ensuing paragraphs.

Amendments to the 1965 FAL Convention

4 The Committee, by resolution FAL.8(32), adopted amendments to the 1965 FAL Convention, aimed at enhancing the facilitation of international maritime traffic. The amendments introduced new concepts to align the Convention with recent developments in the field of information and communication technology, such as the systems to allow pre-arrival and pre-departure information to facilitate the processing of information required by public authorities and to transmit such information electronically to a single point (Single Window).

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The IMO standardized FAL Forms (1 to 7) were also amended to align the terminologies used in the Forms with those in the other IMO instruments.

5 The Committee determined that the above-mentioned amendments should, in accordance with article VII(2)(b) of the Convention, enter into force on 1 November 2006, unless, prior to 1 August 2006, at least one third of Contracting Governments to the Convention had notified the Secretary-General in writing that they do not accept them.

Electronic means for the clearance of ships

6 The Committee considered various ways for facilitating the clearance of ships by electronic means and decided to develop an XML-based Single Window System to simplify, standardize and make effective use of ship's arrival and departure information through electronic means; develop Message Implementation Guidelines for exchange of information electronically on all the IMO FAL Forms; revise the IMO Compendium on facilitation and electronic business to reflect therein the amendments to the FAL Convention adopted at the session; and develop electronic data interchange (EDI) messages for the transmission of security-related information. The Electronic Data Interchange (EDI) Working Group was agreed to be established at FAL 33 to consider the above issues in detail and appropriate terms of reference for the group were agreed.

Amendments to the Committee's rules of procedures

7 The Committee adopted the amendments to rule 9 "Publicity" of its Rules of Procedures, opening the Committee's meetings to news media, in order to harmonize the rule with that of the MSC and MEPC; and also adopted new rule 48 "Invitation to experts" under which the Committee may be able to invite, when necessary, experts to the Committee's meetings.

Development of an explanatory Manual to the FAL Convention

8 Following the framework and time schedule, agreed at FAL 31, the Committee continued the work on development of a comprehensive explanatory Manual to the FAL Convention, which would lead to a better understanding of the underlying principles, and promote the full implementation of the Convention. The Manual would also assist Contracting Governments in preparing their national legislation and other regulatory instruments. The correspondence group was re-established to work intersessionally, for the Committee to make progress in the development of the Manual at FAL 33.

Revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A. 872(20))

9 In pursuance of the request of 2002 SOLAS Conference resolution 3, FAL 31 agreed to revise the Guidelines so as to align them with the provisions of the ISPS Code and that the revision work should be completed at FAL 32 in order that the proposed amendments to the Guidelines can be submitted to the twenty-fourth session of the Assembly for consideration and adoption.

10 The Committee reviewed the Guidelines in detail and agreed that alignment of the Guidelines with the provisions of SOLAS chapter XI-2 and the ISPS Code should be done in conjunction with the Maritime Safety Committee. Having recognized that it would be practically

impossible to complete the revision of the Guidelines during FAL 32 for submission to the twenty-fourth session of the Assembly, the Committee prepared a draft Assembly resolution on the revision of the Guidelines through which the Assembly would, *inter alia*, authorize the Committee and the Maritime Safety Committee to adopt jointly the revised Guidelines and would require the Committees to report to the twenty-fifth session of the Assembly. In order to expedite the revision work, a correspondence group was established to prepare draft revised Guidelines for submission to MSC 81 and FAL 33 for consideration and appropriate action.

Measures to enhance maritime security: facilitation aspects

11 The Committee considered various issues related to facilitation aspects of maritime security. In particular, it agreed that the submission of information, data or documents which have been submitted prior to the arrival of the ship should not be required again, once the ship has arrived, except if changes or amendments had occurred in the interim period. The Committee also agreed to consider, at FAL 33, the need for a revision of Standard 2.1 of the FAL Convention on documents required by public authorities. With regard to the draft revised Recommendations on safe transport of dangerous cargoes and related activities in port areas, prepared by the DSC Sub-Committee, the Committee provided advice and comments thereon to DSC 10.

12 The Committee, recalling that the 2002 SOLAS Conference had adopted resolution 9 on Enhancement of security in co-operation with the World Customs Organization (WCO) (which, *inter alia*, requested WCO to urgently consider measures to enhance security throughout international movements of closed cargo transport units) and noting that the WCO Council in June 2005 had adopted "Framework of Standard" to secure and facilitate global trade, decided to further consider, at FAL 33, the issues emanating from the work of WCO relating to supply chain security and facilitation, to advance the matter within the areas under its purview.

Measures and procedures for the treatment of persons rescued at sea: facilitation aspects

13 The Committee adopted amendments to the FAL Convention (included in the set of amendments referred to in paragraph 4 above) to facilitate the arrival and departure of ships engaged in the rescue of persons at sea, consideration of which had been requested by the Assembly in resolution A.920(22). It also agreed to consider, at FAL 33, other relevant issues such as administrative procedures and a checklist for disembarking persons rescued at sea, taking into consideration any relevant developments in other international fora.

Minimum training and education for shore-side mooring personnel

14 The Committee, following the advice of the SPI Working Group, approved the Guidelines on minimum training and education for mooring personnel (FAL.6/Circ.11). The Guidelines provide Member Governments, port authorities and port industry with guidance on training and education for shore-side mooring personnel. Application of the Guidelines would provide ports with an adequate level of competence which would ensure that ships enter, stay and leave a port safely, securely and efficiently.

Difficulties encountered in the shipment of the IMDG Code class 7 radioactive materials and, in particular, Cobalt-60

15 The Committee approved a FAL circular on Difficulties encountered in the shipment of the IMDG Code class 7 radioactive materials and, in particular, Cobalt-60 (FAL.6/Circ.12), being concerned about the potential adverse consequences the denial of such materials used in

medical applications might have on public health. The circular provides advice that shipping and handling of such materials, when carried out in compliance with the relevant provisions of SOLAS chapter VII, the IMDG Code and Recommendations on the safe transport of dangerous cargoes and related activities in port areas (MSC/Circ.675), should be considered as meeting the necessary safety requirements and should be facilitated.

Stowaways

16 The Committee reviewed stowaway incident reports (stowaway incidents reduced from 183 in 2003 to 98 in 2004 and the number of stowaways from 476 in 2003 to 210 in 2004) and felt that the 2002 amendments to the FAL Convention addressing the resolution of stowaway incidents and the implementation of the ISPS Code had had a positive impact on the reduction of stowaway cases.

17 The Committee considered other issues related to stowaways. It agreed, in particular, to consider, at FAL 33, a proposal to change the Recommended Practice 4.6.2 of the FAL Convention on notification of stowaways to a Standard, which would harmonize forms used in reporting stowaways. The Committee also invited Member Governments and international organizations to submit comments and proposals aiming at strengthening the Guidelines on the allocation of responsibilities to seek successful resolution of stowaway cases (resolution A.872(20)), to FAL 33, if considered necessary.

On-line access to certificates and documents required to be carried on board ships

18 The Committee considered whether access by port State control officers to information on certificates and documents required to be carried on board ships would be facilitated and simplified through the use of modern communication technology, such as access to on-line databases. In view of the perceived advantages of on-line access to such information, the Committee agreed to study the development of such a system, and requested the MSC and the MEPC to provide feedback on the acceptability, feasibility and practicability of the system and to advise the Committee as to which certificates might be made accessible by electronic systems.

FAL seminars

19 The Committee noted that, since FAL 31, four national FAL seminars had been held in Pointe-Noire, Congo in October 2004, in Dar-es-Salaam, United Republic of Tanzania in December 2004, in Sierra Leone in May 2005 and in Kenya in June 2005 respectively, financed by the Technical Co-operation Fund. The Committee expressed appreciation to the Governments of Congo, Kenya, Sierra Leone and the United Republic of Tanzania for hosting, and to the Secretariat and consultants for organizing and successfully conducting those seminars.

Institutionalization of the Facilitation Committee

20 The Committee noted that the Council, at its ninety-fourth session, having taken particular note of the information provided by the Secretary-General concerning the number of Member States which had accepted the 1991 amendments to the IMO Convention and the steps he had taken to encourage the further acceptances required to bring the amendments into force, had requested him to continue urging those Member States, which had not already done so, to consider accepting the 1991 amendments at the earliest possible opportunity, and to report to the ninety-third session of the Council accordingly.

21 Having expressed appreciation for the steps taken by the Secretary-General, the Committee noted that the said amendments had been accepted by 92 Member Governments out of a required total of 110. Although this represented a significant increase of acceptances since FAL 31, 18 more acceptances were still needed to fulfil the entry-into-force requirements and, therefore, the Committee urged Member Governments to accept the 1991 amendments to the IMO Convention at their earliest convenience, stressing that they had no financial implications for countries accepting them.

Role, mission, strategic direction and work of the Committee

22 The Committee recalled that, at FAL 31, it had:

- .1 acknowledged the fact that the adoption by the Organization of the special measures to enhance maritime security had created new responsibilities for the Organization in the context of the delivery of its Strategic Plan and that, although the MSC would be the regulatory body for maritime security, this work would need to be complemented from a facilitation point of view, thus enabling the Organization to fulfil its mission. In this context it recalled the remarks of the Secretary-General on the need to ensure that an appropriate balance is maintained between measures to enhance maritime security and measures to facilitate international maritime traffic; and
- .2 agreed that there was a need for it to discuss its work in detail at FAL 32 with a view to redefining and refining, as necessary, its role, mission, strategic direction and work.

23 The Committee approved its role, mission, strategic direction and work in order to more actively contribute, in co-operation with other IMO bodies, towards the achievement of the objectives of the Strategic Plan of the Organization (FAL 32/22, annex 4).

Draft high-level action plan and the outcome-based priorities for the biennium 2006-2007

24 The Committee confirmed the proposed amendments to the draft high-level action plan and the outcome-based priorities for the biennium 2006-2007. It noted that, based on the amendments proposed by the FAL Committee and other Committees, the Secretariat would prepare a consolidated draft high-level action plan and prioritization of areas of work of the Organization for the biennium, for consideration by the Council and adoption by the twenty-fourth session of the Assembly.

Work programme

25 On the basis of the progress made during the session, the Committee reviewed and revised its work programme; agreed on a list of substantive items to be included in the agenda for its thirty-second session; and invited the Council to approve them (FAL 32/22, annex 5).

Meeting weeks for the biennium 2006-2007

26 The Committee reviewed the plan of meeting weeks for the biennium 2006-2007, bearing in mind its future work plan and short-term workload. It agreed that two meeting weeks should be allocated to the Committee for the said biennium and approved the proposed plan of two meeting weeks for the relevant budget proposals of the Secretary-General for the biennium.

Facilitation in avoiding safety threatening conditions

27 The Committee approved a FAL circular on Facilitation in avoiding safety threatening conditions (FAL.6/Circ.13), being concerned about a number of incidents reported, wherein public authorities for various reasons refused or delayed the movement of material, equipment, fuel and any other supplies to ships essential for their safe operations. Consequently, ships had proceeded to sea in unsafe conditions, often presenting a hazard to other ships and the marine environment. The circular urges public authorities not to unreasonably prevent, except in the case of judicial proceedings, the delivery of essential supplies to a ship.

Election of Chairman and Vice-Chairman for 2006

28 The Committee unanimously re-elected Mr. C. Abela (Malta) and Captain A.E. Hill (Liberia) as Chairman and Vice-Chairman, respectively, for 2006.

Action requested of the Council

29 The Council is invited to:

- .1 note the adoption of amendments to the 1965 FAL Convention, introducing new concepts to align the Convention with recent developments in the field of information and communication technology, including the introduction of systems to allow pre-arrival and pre-departure information to facilitate the processing of information required by public authorities and to transmit such information electronically to a single point (Single Window) (paragraphs 4 and 5);
- .2 note the decisions of the Committee on the issue of electronic means for the clearance of ships, including the revision of the IMO Compendium on Facilitation and Electronic Business; the development of the Single Window System; the establishment of the EDI Working Group; and the development of EDI messages for transmission of security-related information (paragraph 6);
- .3 note the adoption by the Committee of amendments to the Committee's Rules of Procedure regarding the opening of the Committee's meetings to news media and invitation to experts (paragraph 7);
- .4 note the Committee's action with regard to the development of an explanatory Manual to the FAL Convention (paragraph 8);
- .5 note the Committee's action with regard to the revision of the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20)), in particular the approval of a draft resolution on Revision of resolution A.872(20), for submission to the twenty-fourth session of the Assembly for adoption (paragraphs 9 and 10);
- .6 note the Committee's action on facilitation-related maritime security issues, in particular its decision to further consider, at FAL 33, the matters emanating from the work of the World Customs Organization (WCO) relating to the supply chain security (paragraphs 11 and 12);

- .7 note the Committee's action on the issue of measures and procedures for the treatment of persons rescued at sea (paragraph 13);
- .8 note the Committee's action on the issue of minimum training and education for shore-side mooring personnel (paragraph 14);
- .9 note the Committee's action on the issue of difficulties encountered in the shipment of IMDG Code class 7 radioactive material and, in particular, Cobalt-60 (paragraph 15);
- .10 note the Committee's action on the issue of stowaways (paragraphs 16 and 17);
- .11 note the Committee's decision to study the development of an on-line system to access certificates and documents required to be carried on board ships (paragraph 18);
- .12 note the Committee's action to expedite its institutionalization (paragraphs 20 and 21);
- .13 note the Committee's approval of its role, mission, strategic direction and work (paragraph 23);
- .14 note the Committee's action on the draft high-level action plan and the outcome-based priorities for the biennium 2006-2007 (paragraph 24);
- .15 approve the list of substantive items to be included in the agenda for the Committee's thirty-third session (paragraph 25);
- .16 note the Committee's recommendation that two meeting weeks be allocated to the Committee for the biennium 2006 –2007 (paragraph 26);
- .17 note the Committee's action on the issue of facilitation in avoiding safety threatening conditions (paragraph 27); and
- .18 approve the report on the Committee's thirty-second session in general.
