

## **KPI Information Update IU-29-2013** **(The outcome of IMO FAL committee)**

The **IMO Facilitation Committee (FAL)** held its 38th session from Monday 8 through Friday 12 April 2013 under the newly elected Chairmanship of Mr Y. Melanas (RUSSIAN FEDERATION) and Vice Chairman, Mrs M. Angsell (SWEDEN). Both were subsequently re-elected for 2014.

Three working groups (WG) and one drafting group (DG) were formed and chaired as follows:

- WG1 General review of the Convention including harmonisation of other international instruments, chaired by Mrs Maria Angsell (SWEDEN)
- WG2 E-business possibilities for the facilitation of maritime traffic, chaired by Mr Roger Butterini (USA)
- WG3 Ensuring security in and facilitation [of] international trade, chaired by Mr Phil White (UK)

-DG1 Modifications to the revised IMO Compendium on Facilitation and E-Business, chaired by Mr K Itoh (JAPAN)

The Committee covered its agenda fairly comfortably in four days, Thursday 11 April being one on which Plenary did not sit as the interpreters were budgeted out. Salient points from the meeting of most interest to members are as follows:

### **1-CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE CONVENTION:**

No amendments to the Annex to the Convention were proposed for consideration or formal adoption at this session, although a number of related issues were discussed, in particular, that of the Correspondence Group's report on Comprehensive review of the Convention.

### **2-GENERAL REVIEW OF THE CONVENTION, INCLUDING HARMONISATION WITH OTHER INTERNATIONAL INSTRUMENTS:**

A comprehensive revision of the Convention was initiated at FAL 35 to address emerging needs of the Industry and to take account of modern developments such as the transmission of information and data by electronic means and the Single Window concept. This concept is the subject of EU Directive 2010/65/EU on reporting formalities for ships arriving in and/or departing from ports of the Member States that will be operational by 1 June 2015. Following a very poor response for submissions at FAL 36, a Correspondence Group (CG) was formed on Comprehensive review of the Convention. Next, FAL 37 considered the CG report which most notably proposed amendments harmonising the Convention with the WCO SAFE Framework of Standards and the ISPS Code. Further, such amendments should enable a gradual transition from paper-based, to electronic means of providing information, following an interim period of coexistence.

Taking full cognisance of the CG report and the considerable work done on reviewing the Convention, in particular those by its coordinator, Mr Fabien Joret (FRANCE), WG1's

recommendations to the committee were endorsed as follows:

(1) To forward to the CG, WG1's deliberations as to when electronic exchange of information should be introduced, but before making a final decision on the date of mandatory implementation, to conduct an analysis of the costs and benefits of setting up such systems.

(2) That draft amendments to Standard 2.1 regarding pre-arrival and pre-departure information, has a wider scope and is not just security-related but should be harmonised with the WCO SAFE Framework of Standards in relation to the specific time limit for the transmission of pre-arrival and pre-departure information.

(3) That shore leave for crews be granted in a manner that precludes discrimination and also in cases of shore leave denial, that public authorities provide the seafarer and the master with reasons for so doing and, if requested, to put it in writing.

(4) To forward proposed amendments of the Dangerous Goods Manifest to DSC for its consideration.

(5) In view of lack of consensus within the WG, refer the matter of visa requirements in the FAL Crew and Passenger List as well as in the passenger embarkation / disembarkation card to the CG. However, following extensive debate, the Committee agreed to delete the stipulation for visa numbers in Standard 2.6.1.

(6) To strengthen the reporting requirement for stowaway cases [to IMO] and urge the use of IMO designated GISIS module for this purpose.

(7) Taking into account the costs and complexities of the systems of electronic exchange of information weighed against the reduction of administrative burdens on ship masters and administrations, to request the Technical Cooperation Committee (TCC) to consider setting up a new project benefit-evaluation activity within the ITCP.

(8) To re-establish the CG under the coordination of FRANCE.

### **3-LIST OF CERTIFICATES AND DOCUMENTS REQUIRED TO BE CARRIED ON BOARD SHIPS:**

MSC 88 and MEPC 63 agreed FAL 36'S proposal that revisions to the list should be initiated by MSC on a regular basis.

### **4-MODIFICATIONS TO THE REVISED IMO COMPENDIUM ON FACILITATION AND ELECTRONIC BUSINESS:**

FAL 37 approved a Circular on the Revised Compendium and agreed to amend it when necessary. The results of experience gained from its use was sought from signatories to the Convention.

### **5-ELECTRONIC MEANS FOR THE CLEARANCE OF SHIPS:**

WG2'S report to the Committee was approved in general and:

(1) Noted that some small ports might not have the infrastructure to receive and process EDIFACT messages but that the standard developed by ISO (ISO28005) might be an alternative.

(2) Invited submissions on how to put in place the system of online access to certificates and documents or a ship based system, with a view that FAL 40 develops guidelines for online access and incorporates electronic certificates through the Single Window concept.

(3) Re-established the Correspondence Group on Electronic access to Certificates and Documents.

(4) Approved draft Guidelines for Use of Printed Versions of Electronic Certificates with the aim of facilitating the use and acceptance of a single standard.

#### **6-FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF PERSONS:**

With regard to 'stowaway incidents' the numbers of stowaways received by IMO from Member States show a marked drop from 2,052 in 2008 to 166 last year. However, this is in stark contrast to figures provided by the P&I Clubs which indicated that the statistics published by the IMO seriously under-report the scale of the problem. For example, the number of stowaway cases collated by the P&I Clubs from 20 February 2011 to 20 February 2012 totalled 774 incidents involving 1,640 stowaways, whereas almost equivalent IMO figures from 1 January 2011 to 1 January 2012 cite 73 incidents involving 193 stowaways. The Committee therefore encouraged Member States (particularly Flag States) and NGOs to provide information on stowaway cases to IMO, also those concerning illegal migrant incidents, by making use of the GISIS module. It also recalled that FAL 37 had noted progress made on the development of a draft regional agreement on concerted procedures relating to the disembarkation of persons rescued at sea for which a second regional meeting is envisaged in the coming months.

#### **7-ENSURING SECURITY IN AND FACILITATING INTERNATIONAL TRADE:**

The Committee approved WG3's report in general and in particular, the inclusion of trade recovery (plus publication of a draft FAL Circular) and contingency practices in the general review of the FAL Convention. It also requested the Secretariat to approach Member States, reminding them of the need to supply the information requested in MSC - FAL.1 / Circ. 2. This pertains to port and coastal State requirements related to 'privately contracted and security personnel' (PCASP) on board ships. The questionnaire prompts Member Governments and, in particular, those of the coastal States bordering the Indian Ocean, Arabian Sea, Gulf of Aden and Red Sea, to raise awareness of their relevant national legislation, policies and procedures relating to the carriage, embarkation and disembarkation of firearms and security-related equipment through their territory, also the movement of PCASP.

#### **8-SHIP / PORT INTERFACE:**

Concerning the facilitation of shipment of dangerous cargoes, the Committee agreed to:

- (1) Finalise trials of the mechanism for the resolution of difficulties in the carriage of IMDG Code Class 7

Radioactive materials and leave it on a permanent basis until the problem is solved; and,

- (2) Cooperate with relevant agencies and organisations on issues surrounding delays and denials of shipments of IMDG Code classified cargoes (class 7 radioactive in particular), including those in packaged form used in medical or public health applications.

The Committee further agreed on the need to include the 'Training of Mooring Personnel' as a new output in the proposals for the High-level Action Plan in the 2014 - 2015 biennium for approval at Council's 110th session in July 2013 and the 28th session of the Assembly in November 2013.

#### **9-TECHNICAL CO-OPERATION AND ASSISTANCE:**

It was noted that the IMO Secretariat plans to develop technical co-operation activities giving preference to national, rather than sub-regional seminars, with a view to increasing the number of ratifications by Member States to the FAL Convention; currently, 58 Member States are not party to the Convention. These national seminars of 3 days duration will focus mainly on FAL and electronic means for the clearance of ships, also the use of the Single Window concept, and aim to achieve better coordination between all stakeholders in port activities.

The Secretariat suggested the following 5 priority themes for the Committee's consideration of their 2014 - 2015 biennium deliberations:

- (1) Promote the FAL Convention
- (2) Encourage the use of information and communication technology
- (3) Support the training of personnel involved in port activities
- (4) Assist Member States on the problems caused by stowaways and illegal migrants; and
- (5) Promote the ratification and effective implementation of the FAL Convention in developing countries, especially in Africa. The Committee also agreed that in partnership with TCC, developing a document on the 'FAL Convention; how to do it?' should be considered.

#### **10-WORK PROGRAMME:**

The Council endorsed FAL 37's recommendation that the Committee should, in future, meet every 18 months, starting from FAL 38. Thus FAL 39, provisionally, will meet 20 - 24 October 2014 and given a declared ambition to amend the FAL Convention on that occasion, Council will be approached in the interim to authorise the holding of an Inter-session meeting early in 2014.