

FACILITATION COMMITTEE
42nd session
Agenda item 17

FAL 42/WP.1
8 June 2018
Original: ENGLISH

DISCLAIMER

As at its date of issue, this document, in whole or in part, is subject to consideration by the IMO organ to which it has been submitted. Accordingly, its contents are subject to approval and amendment of a substantive and drafting nature, which may be agreed after that date.

**DRAFT REPORT OF THE FACILITATION COMMITTEE
ON ITS FORTY SECOND SESSION**

1 INTRODUCTION – ADOPTION OF THE AGENDA

1.1 The forty-second session of the Facilitation Committee was held at IMO Headquarters from 5 to 8 June 2018, chaired by Mr. Yury Melenas (Russian Federation). The Vice-Chair of the Committee, Mrs. Marina Angsell (Sweden), was also present.

1.2 The session was attended by Member States and an Associate Member, a representative from a United Nations regional commission, specialized agencies and other entities; observers from intergovernmental organizations with agreements of cooperation; and observers from non-governmental organizations in consultative status, as listed in document FAL 42/INF.1.

1.3 The session was also attended by the Chair of the Legal Committee, Mr. Volker Schöfisch (Germany).

Opening address of the Secretary-General

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

Chair's remarks

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

Adoption of the agenda

1.6 The Committee adopted the provisional agenda (FAL 42/1), and agreed further to be guided in its work by the annotated agenda (FAL 42/1/1).

Credentials

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

Condolences

1.8 The Committee expressed its sincerest sympathy, compassion and condolences to the people of Guatemala on the volcanic eruption that had caused loss of life and significant damage to both property and the environment.

2 DECISIONS OF OTHER IMO BODIES

The Committee noted the information provided in document FAL 42/2 (Secretariat), in relation to the outcome of the work of A 30, LEG 104, MSC 98, MEPC 71, TC 67, C 118, C/ES 29 and LEG 105 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.

3 CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE CONVENTION

3.1 The Committee noted that no amendments to the annex to the Convention had been proposed for consideration or formal adoption at this session.

Status of the appendices to the FAL Convention

3.2 The Committee recalled that FAL 41 had considered document FAL 41/3/1 (Secretariat) with the advice of the Legal Affairs and External Relations Division on whether the appendices, and in particular appendix 3, formed an integral part of the FAL Convention.

3.3 The Committee recalled further that FAL 41 had agreed to request the LEG Committee to consider the legal status of the appendices to the FAL Convention and to advise it accordingly, bearing in mind that the final interpretation of whether appendices 1, 2, 3 and 4 were part of the Convention was the prerogative of the Contracting Governments.

3.4 The Committee was advised that LEG 104 had noted that the confusion on the status of the appendices mainly stemmed from the fact that the consolidated version of the FAL Convention adopted by resolution FAL.12(40) in 2016 only contained appendix 1, while the other appendices only appeared in the FAL Convention publication, even though references to appendices 2 and 3 are made in the Convention itself. The Committee noted that LEG 104, after a long discussion, had encouraged Member States to consult informally and intersessionally and to submit relevant information on the status of the appendices to LEG 105.

3.5 The Committee considered the legal advice on the status of the appendices to the FAL Convention as approved by LEG 105, given by the Chair of the Legal Committee (FAL 42/3/1). The full text of his statement is set out in annex [...].

3.6 The Committee noted the view of the Legal Committee that the strongest means of establishing the intent of the Contracting Governments of the FAL Convention in the future would be to amend the Convention to include the appropriate appendices to the annex through the process detailed in article VII of the Convention and incorporate those appendices in the certified text of the treaty. Other methods of establishing the intent of the Contracting Governments included, in descending order of legal weight:

- .1 a declaration, through a FAL resolution, establishing the intent of the Committee;
- .2 a unified interpretation; or
- .3 a decision of the FAL Committee.

3.7 Having also noted that the final interpretation of whether appendices 1, 2, 3 and 4 were part of the Convention was the prerogative of Contracting Governments to the FAL Convention, the Committee decided as follows:

Appendix 1 (IMO FAL Forms referred to in Standard 2.19) to the FAL Convention

3.8 The Committee agreed that appendix 1 is part of the FAL Convention, and no further action was needed to communicate this decision.

Appendix 2 (Arrival and departure of persons) to the FAL Convention

3.9 The Committee agreed that appendix 2 is not part of the FAL Convention, and no further action was needed to communicate this decision.

3.10 Some delegations expressed the view that a future review of the Convention could discuss the inclusion of this appendix in the Convention, but further work on the covering letter referred to in the footnote to Standard 3.3.1 would be necessary.

Appendix 3 (Form of stowaway details referred to in Recommended Practice 4.6.2) to the FAL Convention

3.11 The Committee recalled that FAL 41 had agreed to include additional information on "port facility number", together with the port, terminal and berth information, when reporting the place of boarding of stowaways, and approved:

.1 a unified interpretation of appendix 3 to the FAL Convention (FAL.7/Circ.1);
and

.2 reports on stowaway incidents (FAL.2/Circ.50/Rev.3).

3.12 The Committee agreed that appendix 3 is part of the FAL Convention but had not been included in resolution FAL.12(40) by mistake. The Committee recalled that the reference to the form had been added in Recommended Practice 4.6.2, and instructed the Secretariat to use the normal procedure for correction, including a correction of the certified copy of resolution FAL.12(40).

Appendix 4 (IMDG Code, amendments 38-16, chapter 5.4 on Documentation) to the FAL Convention

3.13 The Committee agreed that Appendix 4 is not part of the FAL Convention, and no further action was needed to communicate this decision.

3.14 In supporting the proposals made by the Committee, one delegation advised that although Appendices 1 and 3 were considered to be part of the Convention, their legal status was not clear. Also the annex made no reference to Appendix 1 but referred to other appendices. The necessary editorial corrections could be addressed during the next revision of the annex to the Convention.

Notifications to IMO in accordance with article VIII of the FAL Convention

3.15 One delegation expressed the view that the next edition of the FAL Convention should differentiate between those appendices forming an integral part of the Convention and those which do not. The next edition of the FAL Convention should include appropriate appendices to the annex through the process in article VII of the FAL Convention and incorporate those into the certified text of the treaty.

3.16 The Committee, having noted that only one Member State had provided information in accordance with article VIII of the FAL Convention in the FAL module of GISIS since April 2016, encouraged Member States to provide the appropriate information pursuant to article VIII of the Convention via GISIS.¹

4 REVIEW AND UPDATE THE EXPLANATORY MANUAL TO THE FAL CONVENTION

4.1 The Committee recalled that FAL 36 had approved the Explanatory Manual to the annex to the FAL Convention, which gives guidance on interpreting the legal text of the provisions of the Convention and examples of best practices with regard to the implementation of Standards and Recommended Practices. The Explanatory Manual was issued as FAL.3/Circ.202 on 11 October 2010.

4.2 The Committee recalled that FAL 41 considered the outcome of the Working Group for the Review and update of the Explanatory Manual to the FAL Convention; endorsed the report of the Group (FAL 41/WP.4), as the basis for further work; and established a Correspondence Group on the Review of the Explanatory Manual, under the coordination of France.

¹ Details of the module for Facilitation in GISIS were promulgated by Circular Letter No.3476 of 22 July 2014.

Consideration of the report of the Correspondence Group

4.3 The Committee noted with appreciation the report of the aforementioned Correspondence Group (FAL 42/4), acknowledging the considerable work done on reviewing the Explanatory Manual, in particular the work carried out by its coordinator, Mr. Joret (France).

4.4 In considering the report in general, the Committee noted the proposals of one delegation that there was a need for the Explanatory Manual to include text on the need for Contracting Governments to comply with Standards and Recommended Practices and to notify the Secretary-General of any differences where national regulations were not aligned thereto. It was also recommended to delete text that simply duplicated the text of Standards and Recommended Practices without adding further value.

4.5 The Committee considered the questions of principle referred to in the report of the Group (FAL 42/4, paragraphs 5 to 9), and took the following decisions:

- .1 on whether the Manual should include definitions and guidance on the data-elements included in the seven FAL Forms (FAL 42/4, paragraph 5), the Committee noted the view that as the Compendium was very technical in content, and therefore had limited readership, it would be useful to include definitions in the Explanatory Manual. However, the Committee agreed that such definitions should not be included but that references should be made to the IMO Compendium;
- .2 regarding the discussion held in the Group on whether to incorporate the extended explanations in the Explanatory Manual or to make reference to the IMDG Code (FAL 42/4, paragraph 6), the Committee recalled that FAL 40 had agreed to include in the Manual the information approved by E&T 23, with 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). The Committee agreed to instruct the Working Group to take this into account;
- .3 regarding the issue of the extension of the obligation of a master to treat the information as confidential when a stowaway declares himself to be a refugee, and against whom it applies, as mentioned in Standards 4.6.1

and 4.6.3 (FAL 42/4, paragraph 7), the Committee agreed to advise the Working Group that such confidential information should not be passed to the country of origin or residence of the stowaways.

- .4 in relation to the question whether to dematerialize the Sanitary Certificates and International Veterinary Certificates (FAL 42/4, paragraphs 8 and 9), the Committee agreed that because these certificates are not covered by a FAL Form, are not included in the IMO Compendium, and are regulated through other instruments, Standard 1.3*bis* of the FAL Convention, on electronic exchange of information did not apply. However, the Committee also agreed that the electronic transmission of all certificates was to be encouraged. In referring this decision to the working group, the Committee also sought its recommendation on whether to include in the Explanatory Manual's guidance on Recommended Practice 6.3, references to other instruments, such as the WTO Agreement, OIE Animal Health Code, and UNECE standard for electronic Sanitary and Phyto-sanitary certificates.

Establishment of the Working Group for the Review and update of the Explanatory Manual to the FAL Convention

4.6 Having considered the above matters, the Committee established the Working Group for the Review and update of the Explanatory Manual to the FAL Convention, and instructed it, taking into account document FAL 42/4, and the comments made and decisions taken in plenary, to:

- .1 further develop the Explanatory Manual to the FAL Convention; and
- .2 consider whether it is necessary to re-establish a correspondence group and, if so, prepare terms of reference for consideration by the Committee.
- .3 prepare additional terms of reference for the correspondence group, if established, on Review and update of the annex to the FAL Convention for the consideration by the Committee; and
- .4 submit its report to the Committee on Thursday, 7 June 2018.

Report of the Working Group

4.7 Having considered the report of the Working Group (FAL 42/WP.6), the Committee approved it in general and took action as indicated hereunder.

[MORE TO COME]

5 APPLICATION OF SINGLE-WINDOW CONCEPT

IMO project on the development of a prototype maritime single window

5.1 The Committee recalled that FAL 40 had considered the following options for the development of the prototype maritime single window (MSW):

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

5.2 The Committee recalled that FAL 41 had noted that the obligation to create systems for the electronic interchange of information established by Standard 1.3*bis* did not refer to the MSW, and that Contracting Governments could use systems other than the MSW to comply with this obligation; and had agreed that there was no need to complete the project by 9 April 2019.

5.3 The Committee also recalled that FAL 41 had considered a proposal by the Working Group on Electronic Business to request the Secretariat to report to the next session on the main deliverables, budget implications, schedule, and how the project would help the recipient nations to meet the scope, concepts and guidance in FAL.5/Circ.36 and other fundamental single window goals by the effective date of 2019. However, the Committee had agreed not to leave this work to the Secretariat; had invited Member States and international organizations to provide this information to FAL 42; and requested the Secretariat to consider the information received and to advise FAL 42 as appropriate.

5.4 The Committee considered document FAL 42/5/1 (ICS) providing their perspective on the development of a prototype MSW by the Organization, with a more holistic approach and less emphasis on technology solutions.

5.5 The Committee was informed by the Secretariat that no other comments had been received since FAL 41, and that more guidance on how to proceed with the project was needed.

5.6 The following views were expressed:

- .1 developing a global system was not possible;
- .2 the prototype should be simple and focussed on FAL Convention's requirements;
- .3 the prototype should be user driven;
- .4 the approach to develop the prototype should be holistic and focus less on technology solutions;
- .5 the prototype was intended to reduce administrative burden on crew, and it would improve efficiency of transport; and
- .6 the prototype was an important project for the Organization, that would support developing countries, LDCs and SIDS to comply with the requirements of Standard 1.3*bis*.
- .7 the characteristics detailed below should be taken into account when developing the prototype:
 - .1 conformity with the Standard 1.6 that public authorities shall limit the information they require from shipowners and other parties concerned to that required by the FAL Convention;

- .2 notwithstanding paragraph 7.1 above, where additional information may be required to eliminate duplication of reporting requirements by public authorities, ports (including Port Community Systems (PCS)) and other stakeholders, this information is part of a single, standardized reporting procedure and format. In this regard, the single window should incorporate the recommended practice in Standard 1.3*quin*, in particular:
- .1 the extent of the reporting requirements is defined in an agreed maximum harmonized list of data reporting requirements, which is valid in every port and meets the needs of all public authorities, ports (including PCS) and other stakeholders;
 - .2 the harmonized maximum list of data reporting requirements should be periodically reviewed to ensure that it represents the absolute minimum reporting requirement that can be achieved;
 - .3 the maximum list of data reporting requirements determines the content of the standardized single window reporting format;
 - .4 in conformance with the principle of reuse of submitted information, there should be no need for additional information to be provided by the ship or the Company to any other national or local reporting system; and
 - .5 measures should be in place for amending reporting procedures, data structures and formats. This should include notification of changes, including systems requirements, to the shipping industry well in advance of the changes becoming effective. This would be in accordance with Standard 1.3*ter*.

-
- .3 the single window should use a reporting procedure and format which embodies "report once" reporting by the ship and/or the Company. It should use a centralized information management system that:
- .1 ships and companies report to (one-to-many), and receive communications regarding decisions and other information from public authorities, ports (including PCS) and other stakeholders; and
 - .2 all public authorities, ports (including PCS) and other stakeholders receive reports from, reuse and transmit communications regarding decisions and other information.
- .4 port single window (PSW) and PCS should not be mandated as the only gateway to the single window. Likewise, it should not be possible for any stakeholder to implement a reporting procedure or format which runs in parallel to, or duplicates, any element of the single window;
- .5 the single window should:
- .1 be technology neutral and capable of evolving with technological developments which may further enhance the efficiency of maritime trade;
 - .2 be provided with a robust means of ensuring ships and companies can determine the extent to which information, particularly sensitive information and information not required by the FAL Convention, is shared through the single window;
 - .3 incorporate information security measures, taking into account international standards, national legislation and guidance on information and cyber security;

- .4 incorporate back-up arrangements to ensure that any failure or malfunction of the single window does not prevent ships from efficiently reporting or hinder clearance processes; and
- .5 be interoperable with other single windows, internationally, in the future.

5.7 The Committee agreed on the need for a more holistic approach for the implementation of the prototype MSW, to put less emphasis on the technology aspects; and referred the matter to the Working Group.

Facilitation of automated ship reporting based on the single-window concept

5.8 When considering document FAL 42/5 (Norway), providing a possible way forward to achieving a more holistic approach to the MSW concept for ship reporting, and to facilitate future automatic reporting, the Committee noted that the majority of delegations agreed on the importance of data reporting and sharing information.

5.9 The Committee agreed to review the ongoing work of the Organization on automated ship reporting as it may affect the work of the Committee on maritime single window; the standardization and harmonization of electronic ship reporting; and automated collection of onboard data for reporting, in order to avoid duplication of efforts.

Study of Ship-to-Shore Information Exchange for Efficient Electronic Port Clearance

5.10 In considering document FAL 42/INF.3 (Republic of Korea), the Committee noted the information provided on progress on the technical standardization of maritime digital communication technology and on the future standardization plan to digitalize ship-to-shore information exchange, to facilitate the ships' port clearance process and the intention of the submitters to provide further information to the next session of the Committee.

Guidelines for the use of electronic certificates

5.11 The Committee recalled that FAL 40 had approved the *Guidelines for the use of electronic certificates* (FAL.5/Circ.39/Rev.2).

5.12 In this regard, the Committee noted that, since FAL 41, the Governments of the Bahamas, France, Malta, Norway, Portugal and the United Kingdom had informed the Secretary General of their decision to issue electronic certificates. This information had been disseminated by means of Circular Letters Nos.3730, 3785, 3794, 3813, 3821 and 3822, respectively.

5.13 The Committee recalled that the Secretariat has developed a tool on "Survey and Certification" in the GISIS module to provide information and consult e-certification verification website information, but that only the Bahamas, Denmark, France, Germany, Liberia, Malta, the Marshall Islands and Sierra Leone had confirmed the availability of their websites for verification of e-certificates via GISIS.

5.14 The Committee noted that the Secretariat had decided to discontinue the issue of Circular Letters related to the issuance of electronic certificates, in compliance with resolution A.1074(28), to encourage the use of GISIS to share the information on electronic certificates. Following this decision, the Secretariat had received information from Singapore and Saint Vincent and the Grenadines related to the issue of electronic certificates to ships under their flags.

5.15 The Committee urged Member States to use GISIS² to provide their e-certification verification website information.

Establishment of the working group on Electronic Business

5.16 Having considered the above matters, the Committee established the Working Group on Electronic Business and instructed it, taking into account the comments made and decisions taken in plenary, to:

- .1 consider the proposals in document FAL 42/5, in particular, the pre-arrival information using the single-window concept and the need for an overview of ongoing work in IMO that can have relevance to the single-window concept, and advise accordingly;
- .2 consider the proposals in document FAL 42/5/1, and advise the Committee on the way forward for the MSW prototype system.

² <https://gisis.imo.org/Public/SURCERT/Certificates.aspx>.

Report of the Working Group

5.17 Having received the report of the Working Group (FAL 42/WP.5), the Committee approved it in general and took action as indicated hereunder.

[MORE TO COME]

6 REVIEW AND REVISION OF THE IMO COMPENDIUM ON FACILITATION AND ELECTRONIC BUSINESS

6.1 The Committee recalled that FAL 41, when considering document FAL 41/5/1 (WCO) which reported on the progress of the work made intersessionally on the harmonization of data definitions and mapping relationships between data elements, had noted the importance of the standardization of definitions of data elements referred to in the FAL Forms, because this would have a positive impact on the work of the Committee on interoperability, MSW, implementation of electronic certificates and e-navigation.

6.2 The Committee also recalled that FAL 41 had approved a new output on "Review and revision of the IMO Compendium on Facilitation and Electronic Business", with two sessions needed to complete the item.

6.3 The Committee further recalled that WCO had coordinated an informal Correspondence Group, working on reviewing and revising the IMO Compendium since FAL 39.

6.4 The Committee considered document FAL 42/6 (WCO), with information on the progress made intersessionally to harmonize data definitions and map relationships among data elements related to the ongoing review and revision of the IMO Compendium on Facilitation and Electronic Business, and thanked WCO for its role as coordinator of the work, through its DMPT Focus Group on "IMO FAL Compendium Technical Maintenance". The Committee also thanked UNECE and ISO for their commitment in the harmonization of the various data models, and the other organizations and Member States for participating in the intersessional work.

6.5 One delegation drew the attention of the Committee to the fact that the instruments used by the informal correspondence group for their work on security information and notification for waste delivery had not been updated, and that it should refer to MSC/Circ.1305 and MEPC.1/Circ.834/Rev.1, rather than MSC/Circ.1130 and MEPC.1/Circ.644/Rev.1, respectively.

Instructions to the Working Group

6.6 The Committee instructed the Working Group on Electronic Business, taking into account the comments made and decisions taken in plenary, to:

- .1 consider document FAL 42/6 and provide comments and advice on the concepts and goals described therein and any other considerations or actions that should be taken to revise the IMO Compendium, as appropriate; and
- .2 consider the new format of the IMO Compendium included in the annex of document FAL 42/6, and include discussion of the scope and expectations expressed in document FAL 42/14/1 if time permits, and advise as appropriate;

Consideration of the report of the Working Group

6.7 Having received the relevant part of the Working Group's report (FAL 42/WP.5), the Committee took action as indicated in the ensuing paragraphs.

[MORE TO COME]

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

7.1 The Committee recalled that FAL 41 had agreed that the preferred option to promulgate the need for automatic machine-to-machine solutions for the future MSW was in the Explanatory Manual to the FAL Convention, rather than by a circular.

7.2 The Committee also recalled that FAL 41 had approved a new output on "Developing guidance for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window", with two sessions needed to complete the item.

7.3 The Committee noted that no documents had been submitted under this agenda item to this session.

7.4 The Committee noted that the observer delegation of ISO had been working on guidelines in this regard, but had been unable to complete them in time for submission to FAL 42, and would submit them to FAL 43.

8 UPDATE THE GUIDELINES FOR SETTING UP A SINGLE WINDOW SYSTEM IN MARITIME TRANSPORT

8.1 The Committee recalled that FAL 41 had agreed to review the *Guidelines for setting up a single window system in maritime transport* (FAL.5/Circ.36), to reflect the amendments in the guidelines since their approval, and specifically, to review annex A in order to update the list of existing MSWs, to facilitate bilateral cooperation for promoting their implementation.

8.2 The Committee recalled that FAL 41 had included in the 2017-2018 biennial agenda of the Committee and the provisional agenda for FAL 42 an output to "Update the guidelines for setting up a single window system in maritime transport", with a target completion year of 2019; and established a correspondence group under the coordination of Japan.

8.3 The Committee noted with appreciation the report of the Correspondence Group (FAL 42/8), supported by 28 countries and organizations and, in particular, the work carried out by its coordinator, Mr. Junya Iida (Japan).

8.4 The Committee noted the proposals of the Correspondence Group on the new structure for the guidelines; the need to reduce the volume of text of the guidelines; the need to keep technical guidelines generic in the face of rapid change; and the need for Member States to provide information on national MSW.

8.5 The Committee noted further the discussions in the Correspondence Group on the need to focus on an MSW as opposed to a trade single window (TSW).

8.6 The Committee supported working towards a wider TSW and encouraged Member States with MSW in place to fill in the template given in FAL 42/8, annex 1, annex A, and to submit them to FAL 43.

Instructions to the Working Group

8.7 The Committee instructed the Working Group on Electronic Business, taking into account document FAL 42/8 and the relevant discussions and decisions in plenary, to:

- .1 continue the review of the *Guidelines for setting up a single window system in maritime transport* (FAL.5/Circ.36); and

- .2 consider whether it was necessary to re-establish the Correspondence Group to continue the review of the Guidelines and, if so, prepare terms of reference for consideration by the Committee.

Consideration of the report of the Working Group

8.8 Having considered the relevant part of the Working Group's report (FAL 42/WP.5), the Committee took action as indicated in the ensuing paragraphs.

[MORE TO COME]

9 UNSAFE MIXED MIGRATION BY SEA

Background

9.1 The Committee noted that at MSC 98, while considering the proposals of ICS in response to the migrant crisis in the central Mediterranean region (MSC 98/16), Member States and international organizations had affirmed their concern for the humanitarian situation and the loss of life, and agreed that the way forward was to promote appropriate and effective action at the United Nations.

9.2 The Committee also noted that the Global Compact for Safe, Orderly and Regular Migration (Global Compact for Migration) was a three-phase approach that could culminate in a United Nations-wide approach to address the issue and that the consultation phase had taken place from April to November 2017. The Committee had encouraged Member States and international organizations in consultative status to participate in that process.

9.3 The Committee further noted that the Secretary-General had been in contact with the International Organization for Migration (IOM) to organize a meeting among the relevant United Nations agencies, to share views and to find possible measures to solve this complex problem, bearing in mind the remit of the Organization.

Inter-agency meeting on mixed migration

9.4 The Committee considered document FAL 42/9 (Secretariat), containing information on the Inter-agency Meeting on Mixed Migration, held at IMO Headquarters on 30 October 2017, following the invitation of the Secretary-General to the Heads of concerned international organizations and main stakeholders of the maritime industry.

9.5 The Committee noted that the record of views included in the annex to document FAL 42/9 had been submitted to the Special Representative of the Secretary-General for International Migration and to the Permanent Representatives of Mexico and Switzerland to the United Nations (the two co-facilitators to lead the intergovernmental consultations and negotiations on issues related to the global compact for migration), for their consideration at the stocktaking meeting held in Puerto Vallarta, Jalisco, Mexico, from 4 to 6 December 2017.

9.6 The Committee also noted that the Special Representative of the Secretary-General for International Migration wrote a letter to the Secretary-General on 25 January 2018, thanking him for the information, expressing her hopes that this topic would "feature prominently during the upcoming intergovernmental negotiations", and drawing attention to the United Nations Secretary-General's report "Making migration work for all".

9.7 The Committee further noted that the intergovernmental negotiations on the global compact for migration to be held at the United Nations Headquarters in New York would conclude by July 2018, in accordance with resolution 71/280, and the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration would be held in Morocco, from 10 to 11 December 2018.

9.8 The Committee noted the outcome of the discussions at MSC 99, relevant to this agenda item, when it considered document MSC 99/18 (Secretariat) (see MSC 99/22, paragraphs 18.9 to 18.11).

9.9 The Committee invited the Secretariat to inform FAL 43 of the progress made with the global compact for migration and the global compact on refugees.

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

Review of the Revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases (resolution FAL.11(37)).

10.1 The Committee recalled that FAL 41 had agreed to review the *Revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases* (resolution FAL.11(37)), to reflect the amendments to section 4 of the FAL Convention adopted by resolution FAL.12(40).

10.2 The Committee also recalled that FAL 41 had agreed that this matter could be treated as a minor correction without requiring a new output, and had requested the Secretariat to prepare a revised version of the Guidelines for consideration at this session. FAL 41 had also invited the Maritime Safety Committee to effect consequential minor amendments to resolution MSC.312(88).

10.3 To this regard, the Committee noted that MSC 99 had adopted resolution MSC.448(99) on *Revised Guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases*.

10.4 The Committee, having considered document FAL 42/10 (Secretariat) providing a revised version of resolution FAL.11(37) in accordance with the decision of FAL 41, agreed to include:

[MORE TO COME]

[10.5 The Committee, having considered FAL 42/WP.8, adopted resolution FAL.13(42) on *Revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases*, as set out in annex [...], and agreed to inform Maritime Safety Committee accordingly.]

Findings of the Yaoundé seminar on stowaways

10.6 The Committee recalled that FAL 39 had considered the outcome of the Regional Seminar on Stowaways in West and Central Africa, held in Abidjan in March 2014, organized by IMO in close cooperation with PMAWCA, and, while recognizing the value of the information provided, had agreed not to include the conclusions of the seminar under the process of general review of the FAL Convention, which was completed at FAL 40 with the adoption of resolution FAL.12(40).

10.7 The Committee considered document FAL 42/10/1 (Cameroon et al.), reporting on the outcome of a seminar on stowaways held in Yaoundé, Cameroon, including the conclusions and recommendations adopted by the participants for the consideration of the Committee.

10.8 The delegation of the Islamic Republic of Iran stressed the importance of these types of seminars, and offered to host a future regional seminar on stowaways.

Consideration and analysis of reports and information on stowaways

10.9 The Committee noted that, in accordance with the amendments to the FAL Convention adopted by resolution FAL.12(40), public authorities have to report all stowaway incidents of which they become aware to the Secretary-General.

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

Year	2010	2011	2012	2013	2014	2015	2016	2017
Stowaway cases	253	73	90	70	61	28	55	63
Stowaways	721	193	166	203	120	80	163	157

10.11 The Committee noted that the total number of reports received by the Organization until 31 December 2017 was 4,577, which involved 14,270 stowaways; and the fact that, despite the new facility provided in GISIS, the downward trend of notifications to IMO was pronounced, and the number of reports submitted was very low and, therefore, the statistics were not very reliable.

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

10.13 The observer of the P&I Clubs noted that, following the provision of information to FAL 36 (FAL 36/6) and FAL 38 (FAL 38/6/2), a third data collection exercise had been carried out for the policy year from 20 February 2014 to 20 February 2015 ("2014/15"). The table below provides a summary of the data collected by the P&I Clubs:

Period of collection	Number of incidents	Number of stowaways	Total cost
2014/15	503	1,274	\$9.3 million
2011/12	774	1,640	\$15.3 million
2007/08	842	1,955	\$14.3 million

10.14 The P&I Clubs noted that the total cost to the Clubs included fines imposed by some States not willing to assist in the disembarkation of the stowaways but that the total cost of stowaways to shipowners was even higher.

10.15 The P&I Clubs informed the Committee that a fourth data collection exercise, for the policy year 2017/18, had recently been initiated, the results of which should indicate whether or not there had been any improvement in the situation as a result of the two regional seminars organised by IMO in 2014.

10.16 The Committee expressed appreciation to the P&I Clubs for this information.

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

10.17 The Committee noted that since the date of the launch of the Inter-agency platform for information sharing on migrant smuggling by sea in GISIS³ on 6 July 2015, only six incidents had been introduced in the database.

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

11 TECHNICAL COOPERATION ACTIVITIES RELATED TO FACILITATION OF MARITIME TRAFFIC

11.1 The Committee recalled that TC 67 had approved the Integrated Technical Cooperation Programme (ITCP) for 2018-2019, which includes several activities relevant to the FAL Convention, to be implemented during the biennium.

11.2 The Committee noted that "Connecting ships, ports and people" was selected as the World Maritime Day theme for 2017. The technical cooperation activities related to facilitation of maritime traffic were intended to contribute significantly to the prosperity and stability ashore

³ Refer to Global Integrated Shipping Information System (GISIS) - Inter-agency platform for information sharing on migrant smuggling by sea (Circular Letter No.3569).

through promoting trade by sea; enhancing the port and maritime sector as wealth creators both on land and, through developing a sustainable blue economy, at sea. By reducing paperwork and simplifying formalities and procedures associated with the arrival, stay and departure of ships on international voyages, ships, cargo and passengers should be able to transit smoothly from port to port. These activities also encouraged the use of modern information and communication technology and, in particular, electronic information exchange between ships and ports. The resulting efficiency would have a clear beneficial impact on trade facilitation, the economy and on the achievement of several Sustainable Development Goals.

11.3 The Committee considered document FAL 42/11 (Secretariat), reporting on the status of activities relevant to the implementation of the FAL Convention, as amended, conducted under the ITCP in the period from December 2016 to December 2017, and noted that:

- .1 one regional seminar was held in Thailand;
- .2 two national seminars were held in Montenegro and Togo to promote accession to the FAL Convention, and to encourage better implementation of the FAL Convention. These seminars offered a better understanding of the FAL Convention and electronic means for the clearance of ships and the use of the single-window concept and focused on improving the coordination between public authorities and the private sector in ports;
- .3 two feasibility studies to expand NEAL-NET, as a logistics information framework using standard technology, were carried out in Cambodia and Myanmar. These studies were completed between February and September 2017, co-funded by IMO and China. Recipient countries can present the feasibility studies to international funding organizations, such as the World Bank or the Asian Development Bank, asking for finance coverage to establish the NEAL-NET system in countries.

11.4 The Committee noted the information provided by the Secretariat on the project to implement a maritime single window in Antigua and Barbuda, an initiative of Norway that provides in-kind and financial support, in particular that the first mission to Antigua and Barbuda took place in October 2017 and further information on the project would be presented at

FAL 43. In expressing their gratitude, the delegation of Antigua and Barbuda expressed its hope that this MSW system would be fit for purpose and replicated throughout the Caribbean.

11.5 The Committee further noted that a national seminar on the facilitation of international maritime traffic had been held in Mozambique in March 2018.

11.6 The delegation of Cameroon provided an update on progress made since a facilitation-related activity previously reported to FAL 39. Cameroon had implemented recommendations on information portals and established two online trade portals named "Cameroon Trade Hub" (www.cameroontradedhub.cm) and "Cameroon Trade Portal" (www.cameroontradeportal.cm), which provide online, in the two official languages of the country, which are French and English, complete and updated information concerning importation, exportation and transit procedures including port, airport and other entry-point procedures such as road. The portals also provide required fees, charges, taxes, forms and documents. The delegation of Cameroon informed further that the "Cameroon Trade-Up" system, a commercial single-window system supporting vessels visiting Cameroon, was now online. Further information would be provided to TC 68.

12 RELATIONS WITH OTHER ORGANIZATIONS

Relations with non-governmental organizations

12.1 In considering document FAL 42/12 (Secretariat), the Committee noted the relevant decisions of C 118 and C/ES.29 in respect of relations with non-governmental organizations and applications for consultative status and related matters.

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

Draft revised Rules of Procedure of the Facilitation Committee

13.1 The Committee recalled that C 116 had agreed to harmonize the terms of office in the Rules of Procedure of the committees (and by extension sub-committees), to limit the total term of office of the Chair and Vice-Chair to five years, and to establish the use of the new gender-neutral term "Chair" in the Rules of Procedure.

13.2 The Committee recalled it had agreed to revise the Rules of Procedure of the Committee, using this opportunity to harmonize the provisions in the Rules of the

FAL Committee with the draft Rules of MSC and MEPC, for the benefit of the committees, as well as that of the delegations.

13.3 The Committee recalled that FAL 41 had consequently agreed to:

- .1 limit the term of office of the Chair and Vice-Chair to five years, with the possibility of one additional year in exceptional circumstances;
- .2 introduce the new gender-neutral term "Chair" and related gender-neutral language;
- .3 25% of the membership (i.e. 43 Member States taking into account the number of Member States at that time, i.e. 172) constitute a quorum;
- .4 rule 3 (Sessions) would be reconsidered by FAL 42 in the light of the decision of other committees;
- .5 the Rules of Procedure, other than rule 3, were agreed; and
- .6 the Rules of Procedure were held in abeyance until the issue of rule 3 was resolved, whereupon the revised Rules of Procedure of the Facilitation Committee would be approved, as appropriate.

13.4 The Committee noted that LEG 104 had adopted revised Rules of Procedure of the Legal Committee, and that MSC 98 had agreed to modify the draft Rules of Procedure of the Maritime Safety Committee, using the same text as agreed at LEG 104 (LEG 104/15, annex 8), to harmonize the committees' Rules of Procedure, in particular rules 3 and 34.1.

13.5 The Committee also noted that MEPC 71 had agreed, in line with the decisions of LEG 104 and MSC 98, that the holding of an extraordinary session with budgetary implications should be subject to the approval of the Council, and approved the revised Rules of Procedure of the Marine Environment Protection Committee.

13.6 The Committee further noted that C 118 endorsed the final text of the amended Rules of Procedure of the Council, and agreed to limit the term of office for its Chair and Vice-Chair, so that they would both be eligible for re-election for a maximum of two consecutive terms, with the possibility of one additional term in exceptional circumstances.

13.7 The Committee, having agreed to align rules 3 and 34.1 of the Rules of Procedure of the FAL Committee with rules 3 and 34.1 of the Rules of Procedure of the other committees, adopted the revised Rules of Procedure of the Facilitation Committee, as set out in annex [...].

Amendments to the document on Organization and method of work of the Facilitation Committee

13.8 The Committee recalled that FAL 41 had approved FAL.3/Circ.212 on the *Organization and method of work of the Facilitation Committee*, revoking FAL.3/Circ.211.

13.9 Pursuant to the instruction of resolution A.1111(30) to review and revise, during the 2018-2019 biennium the document on the organization and method of its work, taking account of the document on *Application of the Strategic Plan of the Organization* (resolution A.1111(30)), as appropriate, the Committee considered the draft revised FAL circular on Organization and method of work of the Facilitation Committee, set out in the annex to document FAL 42/13 (Secretariat).

13.10 The Committee approved FAL.3/Circ.[...] on *Organization and method of work of the Facilitation Committee*.

14 WORK PROGRAMME

Proposal for a new output on the review and update of the annex to the FAL Convention

14.1 The Committee considered document FAL 42/14 (Turkey), proposing a new output on the review and update of the Annex to the FAL Convention, and agreed to include in the 2018-2019 biennial agenda of the FAL Committee and the provisional agenda for FAL 43, an output on "Review and update the annex to the FAL Convention", with a target completion year of 2021.

14.2 The delegation of Bangladesh informed the Committee that seafarers were still facing problems with shore leave in some ports. The statement of Bangladesh is set out in annex [...].

Proposal to extend the scope of the existing output on "Review and revision of the IMO Compendium on Facilitation and Electronic Business"

14.3 The Committee considered document FAL 42/14/1 (Liberia et al.), proposing to extend the scope of output 5.8 (Review and revision of the IMO Compendium on Facilitation and Electronic Business) to include additional e-business solutions, which are different to the ones related to the FAL Convention, and to establish a maritime register (database) containing data element identities of IMO data elements required to comply with the FAL

Convention/Compendium, and data sets from other international bodies such as ISO, UNECE and WCO, together with document FAL 42/INF.2 (IHMA), supporting the proposal.

14.4 Some delegations expressed their concern that establishing a maritime register may have a financial impact on the Organization, and further information would be needed at the next session of the FAL Committee, which could also take into account the work done by IHO, IEC, IALA and ISO in this regard.

14.5 Following discussion, the Committee agreed to extend the existing output 5.8 and change the title to "Review and revision of the IMO Compendium on Facilitation and Electronic Business, including additional e-business solutions", with a target completion year of 2021.

Proposal for a new output to amend the *Recommendations on the establishment of National Facilitation Committees (FAL.5/Circ.2)*

14.6 The Committee considered document FAL 42/14/2 (Montenegro and Turkey), proposing to revise the *Recommendations on the establishment of National Facilitation Committees (FAL.5/Circ.2)*. During the discussion, some delegations expressed the view that the compelling need to conduct this work had not been fully established. Recalling the decision to instruct the Secretariat to collect information on national maritime transport facilitation committees (see paragraph 16.11), some delegations expressed the view that the proposal of this new output should be considered by the Committee once it had analysed the information.

14.7 However, the majority of delegations that spoke supported the proposal and the Committee agreed to include in the 2018-2019 biennial agenda of the FAL Committee and the provisional agenda for FAL 43, an output on "Amendments to the *Recommendations on the establishment of National Facilitation Committees (FAL.5/Circ.2)*", with a target completion year of 2020.

Proposed circular on creating a tool to measure domestic implementation of the FAL Convention

14.8 The Committee considered document FAL 42/14/3 (Chile) proposing to develop guidelines for creating a tool to measure domestic implementation of the FAL Convention, and agreed to include in the 2018-2019 biennial agenda of the FAL Committee and the provisional agenda for FAL 43, an output on "Guidelines on creating a tool to measure domestic implementation of the FAL Convention", with a target completion year of 2020.

14.9 One delegation expressed the view that it would be useful in the preparation of the guidelines to take into account UN/CEFACT Recommendation NO.42, *Establishment of a Trade and Transport Facilitation Monitoring Mechanism*.

Endorsement of new outputs

14.10 In accordance with the relevant provisions with the Assembly resolution on *Application of the Strategic Plan of the Organization* (resolution A.1111(30)), the Committee invited C 120 to endorse, for inclusion in the current list of outputs, the following three new outputs agreed by the Committee:

- .1 Review and update the annex to the FAL Convention (paragraph 14.1);
- .2 Amendments to the Recommendations on the establishment of National Facilitation Committees (FAL.5/Circ.2) (paragraph 14.6); and
- .3 Guidelines on creating a tool to measure domestic implementation of the FAL Convention (paragraph 14.8).

14.11 The Committee also invited C 120 to endorse the amended description of the existing output 5.8 as follows: "Review and revision of the IMO Compendium on Facilitation and Electronic Business, including additional e-business solutions" (see paragraph 14.5).

[Biennial status report of the Facilitation Committee

14.12 The Committee endorsed the status of planned outputs for the 2018-2019 biennium, which had been prepared by the Secretariat in consultation with the Chair, and consequently invited C 120 to note the report on the status of outputs of the Facilitation Committee, as set out in annex [...].

Post-biennial agenda of the Committee

14.13 The Committee endorsed the status of planned outputs accepted as post-biennial outputs for the 2018-2019 biennium, which had been prepared by the Secretariat in consultation with the Chair, and consequently invited C 120 to note the post-biennial agenda of the Facilitation Committee, as set out in annex [...].

Proposals for meeting weeks for the biennium 2020-2021

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

14.15 The Committee, bearing in mind the importance of the FAL Committee for maritime transport, and in order to enable the Committee to develop and achieve momentum in its important work, agreed to one meeting during 2020 and one meeting during 2021 (four days with eight associated interpretation sessions for each meeting), and invited the Secretary-General to prepare relevant budgetary proposals for the biennium 2020-2021, for consideration by the thirtieth-first regular session of the Assembly in November 2019.

Substantive items for inclusion in the agenda for FAL 43

14.16 Having considered the proposals in document FAL 42/WP.3, the Committee agreed to the substantive items to be included in the agenda of its forty-third session, as set out in annex [...].

Establishment of working and drafting groups at FAL 43

14.17 The Committee, taking into account the decisions made under various agenda items, anticipated that working and drafting groups would be established on electronic business, and on the review of the Explanatory Manual to the FAL Convention.

14.18 The Committee further agreed that, should the need arise, FAL 43 could determine any other working or drafting groups that might need to be established when considering the various agenda items and requested the Secretariat, in consultation with the Chair, to prepare and circulate the provisional timetable for FAL 43 and a list of the likely working or drafting groups to be established for consideration by FAL 43.

Date and venue of the next session

14.19 The Committee noted that FAL 43 was scheduled to take place from 9 to 12 April 2019.]

15 ELECTION OF CHAIR AND VICE-CHAIR FOR 2019

15.1 In accordance with its Rules of Procedure, the Committee unanimously elected [Mrs. Marina Angsell (Sweden)] as Chair and [Mr. Moises de Gracia (Panama)] as Vice-Chair, both for 2019.

Expression of appreciation

15.2 The Committee expressed sincere thanks and appreciation to Mr. Yury Melenas (Russian Federation) for his excellent services to the Committee during the last six years when he served as the Chair of the Committee.

16 ANY OTHER BUSINESS

Revision of the *Revised list of existing publications relevant to areas and topics relating to the ship/port interface* (FAL.6/Circ.14)

16.1 The Committee recalled that FAL 41, when considering document FAL 41/16/3 (ICHCA) proposing to update the *Revised list of existing publications relevant to areas and topics relating to the ship/port interface* (FAL.6/Circ.14), agreed to instruct the Secretariat to carry out a comprehensive review of the Revised list, in conjunction with other interested organizations, as appropriate, and to inform FAL 42 accordingly.

16.2 The Secretariat informed the Committee that, since FAL 41, it had received updated lists of publications of some of the organizations referred to in the above mentioned circular, i.e. UNCTAD, IHO, ICS, BIMCO, IACS, INTERTANKO, SIGTTO, ICHCA, IPIECA and PIANC.

16.3 The Committee considered documents FAL 42/16/4 and FAL 42/16/5 (OCIMF), with the update of OCIMF's publications that should be deleted and included, as appropriate, in the Revised List.

Establishment of a Drafting Group on the Review of FAL.6/Circ.14

16.4 The Committee agreed to establish a drafting group, and instructed it, taking into account documents FAL 42/16/2, FAL 42/16/4 and FAL 42/16/5, and the comments made and decisions taken in plenary, to prepare the revised text of the *Revised list of existing publications relevant to areas and topics relating to the ship/port interface* (FAL.6/Circ.14).

[Report of the drafting group

16.5 Having considered the report of the Drafting Group (FAL 42/WP.[...]), the Committee approved the *Revised list of existing publications relevant to areas and topics relating to the ship/port interface* (FAL.6/Circ.14/Rev.1).]

National maritime transport facilitation programmes and committees

16.6 The Committee considered document FAL 42/16 (Secretariat), containing an outline of the Organization's guidance on national maritime transport facilitation programmes and committees, recalling that the need to establish national and regional committees in order to promote and coordinate measures to improve the facilitation of maritime transport was recognized by the framers of the FAL Convention in 1965 through resolution 3 of the International Conference on Facilitation of Maritime Travel and Transport.

16.7 The Committee also recalled that FAL 19 adopted resolution FAL.2(19) on *Amendments to the Annex to the FAL Convention*, which included what eventually became Recommended Practices 7.11 and 7.12.

16.8 The Committee noted that no notifications with respect to Recommended Practices 7.11 and 7.12 of the FAL Convention had been included in the database on "Notifications pursuant to article VIII of the FAL Convention", established in the public area of GISIS.

16.9 The Committee also noted that the *Guidelines for the establishment, membership and operation of national facilitation committees* (FAL.5/Circ.2) situated national maritime transport facilitation committees within the wider context of national facilitation committees and programmes and set out basic guidelines for the establishment, membership and operation of national maritime facilitation committees. However, the information contained therein was nearly 30 years old and some updating would be necessary in the light of Member States' experience and developments since it was written, on issues such as new Standards and Recommended Practices in the FAL Convention; security measures including the Special measures to enhance maritime security (SOLAS chapter XI-2 and the ISPS Code), the ILO/IMO Code of practice on security in ports, and the WCO SAFE Framework of Standards to secure and facilitate global trade; safety issues that impact on port operations, for example container verification of gross mass of containers; and environmental issues including the provision of port reception facilities in compliance with MARPOL.

16.10 The Committee further noted that, during facilitation-related technical cooperation activities, the Secretariat had found a lack of national maritime facilitation committees and

programmes in some Member States and the need for more comprehensive and up-to-date guidance.

16.11 The Committee also noted that Signatory States to the Jeddah Amendment to the Djibouti Code of Conduct, 2017, had committed to the establishment of a multi-agency, multi-disciplinary national maritime security and facilitation committee, or similar system.

16.12 The Committee, recognizing the importance of establishing national maritime transport facilitation committees and implementing national maritime facilitation programmes, agreed:

- .1 to request Contracting Governments that have national maritime facilitation committees and programmes, or similar arrangements in accordance with Recommended Practices 7.11 and 7.12, to update the "Notifications pursuant to article VIII of the FAL Convention" in the GISIS database;
- .2 that the development of best practice guidance on national maritime facilitation committees and programmes would be of benefit to Member States;
- .3 to request the Secretariat to collect and collate information from Member States on national maritime facilitation committees and programmes, for consideration at a future session of the Committee, as appropriate;
- .4 to invite Contracting Governments that have national maritime facilitation committees and programmes to share information on:
 - .1 terms of reference for national maritime facilitation committees;
 - .2 composition and methods of work of national maritime facilitation committees;
 - .3 contents of national maritime facilitation programmes;

- .4 interaction between national maritime facilitation committees and wider national facilitation committees, maritime security bodies and port-level committees; and
 - .5 any national legislation adopted to give legal force to the national maritime facilitation programme; and
- .4 to request the Secretariat to develop a corresponding database in the facilitation module in GISIS to collect the information listed in sub-paragraph .4 above.

Difficulties in shipments of IMDG Class 7 radioactive materials

16.13 The Committee considered document FAL 42/16/1 (WNTI), containing information on the continuing difficulties encountered with the shipment of IMDG Code class 7 radioactive materials and proposing to encourage Member States to reinforce the messages in previous IMO circulars and resolutions to facilitate the shipments of IMDG Code class 7 radioactive materials, and to encourage non-governmental organizations with consultative status, in particular the representatives of the shipping industry, to actively promote and facilitate through their members the shipments of IMDG Code class 7 radioactive materials.

16.14 The Committee noted that it had not considered issues related to the difficulties in shipments of IMDG Class 7 radioactive materials since FAL 39 and that the Secretariat had taken action to address this issue, in particular the harmonization of transport regulations for class 7 radioactive materials, e.g. the ongoing discussion between the CCC Sub-Committee and IAEA's Transport Safety Standards Committee for clarification of TI and CSI limits for freight container and total vessel.

16.15 The Committee noted that, according to the information provided by the Secretariat, the complex regulatory system for transport of class 7 radioactive materials derived from IAEA safety standards SSR-6, UN Model Regulations, and that the Secretariat was working closely with relevant UN agencies and organizations towards harmonized regulations on issues surrounding the delays and denials of shipments of class 7 radioactive materials. In addition, the Secretariat had continued to undertake technical cooperation activities in support of the

implementation of the IMDG Code and encouraged Member States wishing to support, or being in need of, such activities to contact the Secretariat.⁴

16.16 The Committee agreed to:

- .1 encourage Member States to reinforce the messages in previous IMO circulars and resolutions to facilitate the shipments of IMDG Class 7 radioactive materials;
- .2 encourage non-governmental organizations with consultative status, in particular the representatives of the shipping industry, to actively promote and facilitate through their members the shipments of IMDG Code class 7 radioactive materials;
- .3 invite submissions for further information and data regarding the delay and denial of shipment of radioactive materials, in particular any major issues and causes affecting timely shipment;
- .4 request the Secretariat, when conducting Technical Cooperation activities to support the implementation of IMDG Code, to include matters related to the safe and efficient transport of radioactive materials;
- .5 invite CCC 5 to consider whether any training materials for the safe and efficient transport of radioactive materials is needed (e.g. a model course) and advise FAL 43 accordingly; and
- .6 invite Member States and international organizations to consider the need to review FAL.6/Circ.12 and resolution A.984(24), and if so, to make a proposal for a new output accordingly.

Maritime corruption: impact on global trade, port governance and seafarers

16.17 The Committee considered document FAL 42/16/3 (ICS et al.) describing how maritime corruption has a negative effect, impedes social and economic development and may contribute to other risks such as security in ports and on board ships and affect the well-being, health and safety of seafarers.

⁴ Email: etgroup@imo.org

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

- .1 corruption was a serious problem for shipmasters and shipowners that has had high costs and a negative impact for the image of the maritime industry;
- .2 the statement of IFSMA is set out in annex [..];
- .3 Maritime Anti-Corruption Network (MACN) was a very valuable platform for businesses to contribute to the elimination of corrupt practices in the maritime industry;
- .4 corruption was a sensitive subject in most countries;
- .5 corruption was a two-way process with some ship masters trying to seek preferential treatment;
- .6 IMO should play an active role on this matter, and use of GISIS was suggested as a platform for crews and shipowners to report corrupt practices to the countries where the incident happened, bearing in mind the importance of confidentiality and the presumption of innocence;
- .7 corrupt practices were recognized as criminal acts in some national legislations;
- .8 the World Maritime University informed on the work carried out on corruption, including the creation of a new module within its Masters programme called Maritime Business Integrity and Corruption Awareness, known in short as CORA. The statement of WMU is set out in annex [..];
- .9 regional seminars on corruption organized by the Organization, similar to the ones on stowaways, would be advisable; and
- .10 a holistic approach was desirable.

16.19 The Committee agreed that corruption had a significant impact on the image of the maritime industry and ports, and on the facilitation of maritime traffic and security of port operations.

16.20 The Committee requested the Secretariat, in coordination with the Legal and External Relations Division, to provide its advice on the possible way forward to address this problem, including alternatives for using GISIS as a reporting mechanism.

16.21 Some delegations expressed the view that the Committee should refrain from requesting the Secretariat to take action, as more information was needed to make sound decisions on this important and sensitive issue.

16.22 One delegation advised the Committee that the Organization sometimes intervened in cases involving the abandonment of seafarers.

16.23 The Committee invited Member States and international organizations to submit documents to FAL 43 with suggested actions to address this problem.

Creation of a collaborative web-based workspace

16.24 The Committee recalled that FAL 41, while recognizing the potential benefits of implementing a collaborative web-based workspace in the Organization:

- .1 agreed that the discussion should not be considered further by committees but by the Council;
- .2 invited Member States to submit proposals for the creation of a collaborative web-based workspace to C 118; and
- .3 instructed the Secretariat to present further information to the Council, with details on the collaborative web-based workspace, in particular, on accessibility to the system and the budgetary implications for developing and maintenance of the system.

16.25 In this regard, the Committee noted that C 118, having noted the general support for the creation of a collaborative web-based workspace, had requested the Secretary-General to inform C 120 on accessibility to the proposed IMOSpace; cybersecurity; additional financial

and administrative resources required; and availability of an alternative open-source web-based workspace.

Guidelines on maritime cyber risk management

16.26 The Committee, having recalled that FAL 41 had approved a joint MSC-FAL.1 circular on *Guidelines on maritime cyber risk management*, subject to concurrent decision of MSC 98, noted that MSC 98 had approved MSC-FAL.1/Circ.3 on *Guidelines on maritime cyber risk management*, superseding the interim guidelines contained in MSC.1/Circ.1526.