

FACILITATION COMMITTEE
39th session
Agenda item 4

FAL 39/...
... 2014
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**GENERAL REVIEW OF THE CONVENTION, INCLUDING HARMONIZATION WITH
OTHER INTERNATIONAL INSTRUMENTS**

Report of the Correspondence Group

Submitted by France

SUMMARY

<i>Executive summary:</i>	This document describes the work of the Correspondence Group on the general revision of the FAL convention.
<i>Strategic direction:</i>	8
<i>High-level action:</i>	8.0.1, 8.0.2, 8.0.3, 8.0.4
<i>Planned output:</i>	8.0.1.1, 8.0.1.2
<i>Action to be taken:</i>	Paragraph
<i>Related documents:</i>	FAL 35/17, FAL 36/17, FAL 37/17, FAL 37-WP.5, FAL 38-WP.4

BACKGROUND

1. During its 35th session, the Committee decided to initiate a comprehensive revision of the FAL Convention. During its 37th and 38th session, the Committee considered the draft amendments to the annex of the convention submitted by a correspondence group. The Committee decided during its 38th session to re-establish a correspondence group on the review of the convention. Its terms of reference are in Annex 1.

2. The following countries and organizations participated in the work of the Correspondence Group :

(...)

WORK DONE BY THE CORRESPONDENCE GROUP

(...)

For a better understanding, underlining in grey indicates changes that have been provisionally approved by the FAL committee during its previous session, except where there remain brackets.

Underlining in yellow indicates changes proposed to the FAL 39 Committee by the Correspondence Group on the general revision of the FAL convention

ACTION REQUESTED OF THE COMMITTEE

7. The Committee is invited to:

- take note of the work of the Correspondence Group above;
- consider the proposed amendment to the convention as set out in the annex 2.

ANNEX 1

Terms of reference for the intersessional Correspondence Group

The Committee approved the following terms of reference for the intersessional Correspondence Group on the Comprehensive Review of the annex to the Convention, under the coordination of France:

- .1 make further progress, taking into account earlier discussions and text as set out in FAL 38/WP.4, on the general revision of the annex to the FAL Convention;
 - .2 advise on and provide proper justification for the date of application when the establishment of electronic exchange of information should become mandatory by amending Standard 1.3bis;
 - .3 draft text, clearly distinguished in the report of the correspondence group from the text of the annex to the Convention, that can be used for the revision of the Explanatory Manual in order to provide further clarification and background information for the amendments made and, particularly, for:
 - .1 Standard 2.16.1 to provide justification for the inclusion of the word "residence" taking into account paragraphs 4.24 and 4.25 of FAL 38/WP.4; and
 - .2 Standard 2.23 in respect to shipowner's liability;
 - .4 draft provisions regarding amendments to previously lodged information or documents;
 - .5 advise on the outstanding issue regarding the inclusion of visa number, if appropriate, in the passenger list;
 - .6 consider the inclusion of draught information to the data elements of the General Declaration (paragraphs 4.7 to 4.9 of FAL 38/WP.4);
 - .7 consider the proposed amendment to Standard 3.44 in respect of "clear grounds" (paragraph 4.17 of FAL 38/WP.4);
 - .8 identify outdated provisions in the current Standards and Recommended Practices, taking into account the incorporated requirements of other international conventions;
 - .9 identify the changes needed to align the FAL forms with the proposed changes of Standards;
 - .10 consider the remaining issues identified by MSC 88, which are:
 - .1 augmenting information associated with the impact of stowaways on issues related to safety, and specifically the available capacity of life-saving appliances provided on board and the total number of persons permitted; and
 - .2 systematically reviewing the words "return" and "remove";
 - .11 consider FAL.6/Circ.13 on Facilitation in avoiding safety threatening conditions;
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- .12 take into account the identified areas for amendment of the Explanatory Manual as set out in paragraph 6 of document FAL 37/WP.5 and in the course of the review of the annex to the Convention, identify further guidelines that need to be included in the Explanatory Manual;
- .13 consider the inclusion of the trade recovery and contingency practices; and
- .14 submit its report in time for the next session of the Committee.

ANNEX 2

FAL Convention

**Convention on Facilitation of
International Maritime Traffic, 1965, as amended**

CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC

THE CONTRACTING GOVERNMENTS:

DESIRING to facilitate maritime traffic by simplifying and reducing to a minimum the formalities, documentary requirements and procedures on the arrival, stay and departure of ships engaged in international voyages;

HAVE AGREED as follows:

Article I

The Contracting Governments undertake to adopt, in accordance with the provisions of the present Convention and its annex, all appropriate measures to facilitate and expedite international maritime traffic and to prevent unnecessary delays to ships and to persons and property on board.

Article II

(1) The Contracting Governments undertake to cooperate, in accordance with the provisions of the present Convention, in the formulation and application of measures for the facilitation of the arrival, stay and departure of ships. Such measures shall be, to the fullest extent practicable, not less favourable than measures applied in respect of other means of international transport; however, these measures may differ according to particular requirements.

(2) The measures for the facilitation of international maritime traffic provided for under the present Convention and its annex apply equally to the ships of coastal and non-coastal States the Governments of which are Parties to the present Convention.

(3) The provisions of the present Convention do not apply to warships or pleasure yachts.

Article III

The Contracting Governments undertake to cooperate in securing the highest practicable degree of uniformity in formalities, documentary requirements and procedures in all matters in which such uniformity will facilitate and improve international maritime traffic and keep to a minimum any alterations in formalities, documentary requirements and procedures necessary to meet special requirements of a domestic nature.

Article IV

With a view to achieving the ends set forth in the preceding articles of the present Convention, the Contracting Governments undertake to cooperate with each other or through the Inter-governmental Maritime Consultative Organization* (hereinafter called the "Organization") in matters relating to formalities, documentary requirements and procedures, as well as their application to international maritime traffic.

* The name of the Organization was changed to "International Maritime Organization" by virtue of amendments to the Organization's Convention which entered into force on 22 May 1982.

Article V

(1) Nothing in the present Convention or its annex shall be interpreted as preventing the application of any wider facilities which a Contracting Government grants or may grant in future in respect of international maritime traffic under its national laws or the provisions of any other international agreement.

(2) Nothing in the present Convention or its annex shall be interpreted as precluding a Contracting Government from applying temporary measures considered by that Government to be necessary to preserve public morality, order and security or to prevent the introduction or spread of diseases or pests affecting public health, animals or plants.

(3) All matters that are not expressly provided for in the present Convention remain subject to the legislation of the Contracting Governments.

Article VI

For the purposes of the present Convention and its annex:

- (a) *Standards* are those measures the uniform application of which by Contracting Governments in accordance with the Convention is necessary and practicable in order to facilitate international maritime traffic;
- (b) *Recommended Practices* are those measures the application of which by Contracting Government is desirable in order to facilitate international maritime traffic.

Article VII

(1) The annex to the present Convention may be amended by the Contracting Governments, either at the proposal of one of them or by a Conference convened for that purpose.

(2) Any Contracting Government may propose an amendment to the annex by forwarding a draft amendment to the Secretary-General of the Organization (hereinafter called the "Secretary-General"):

- (a) Any amendment proposed in accordance with this paragraph shall be considered by the Facilitation Committee of the Organization, provided that it has been circulated at least three months prior to the meeting of this Committee. If adopted by two thirds of the Contracting Governments present and voting in the Committee, the amendment shall be communicated to all Contracting Governments by the Secretary-General.
 - (b) Any amendment to the annex under this paragraph shall enter into force 15 months after communication of the proposal to all Contracting Governments by the Secretary-General unless within 12 months after the communication at least one third of Contracting Governments have notified the Secretary-General in writing that they do not accept the proposal.
 - (c) The Secretary-General shall inform all Contracting Governments of any notification received under subparagraph (b) and of the date of entry into force.
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- (d) Contracting Governments, which do not accept an amendment, are not bound by that amendment but shall follow the procedure laid down in article VIII of the present Convention.

(3) A conference of the Contracting Governments to consider amendments to the annex shall be convened by the Secretary-General upon the request of at least one third of these Governments. Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments present and voting shall enter into force six months after the date on which the Secretary-General notifies the Contracting Governments of the amendment adopted.

(4) The Secretary-General shall notify promptly all signatory Governments of the adoption and entry into force of any amendment under this article.

Article VIII

(1) Any Contracting Government that finds it impracticable to comply with any Standard by bringing its own formalities, documentary requirements or procedures into full accord with it or which deems it necessary for special reasons to adopt formalities, documentary requirements or procedures differing from that Standard, shall so inform the Secretary-General and notify him of the differences between its own practice and such Standard. Such notification shall be made as soon as possible after entry into force of the present Convention for the Government concerned, or after the adoption of such differing formalities, documentary requirements or procedures.

(2) Notification by a Contracting Government of any such difference in the case of an amendment to a Standard or of a newly adopted Standard shall be made to the Secretary-General as soon as possible after the entry into force of such amended or newly adopted Standard, or after the adoption of such differing formalities, documentary requirements or procedures and may include an indication of the action proposed to bring the formalities, documentary requirements or procedures into full accord with the amended or newly adopted Standard.

(3) Contracting Governments are urged to bring their formalities, documentary requirements and procedures into accord with the Recommended Practices in so far as practicable. As soon as any Contracting Government brings its own formalities, documentary requirements and procedures into accord with any Recommended Practice, it shall notify the Secretary-General thereof.

(4) The Secretary-General shall inform the Contracting Governments of any notification made to him in accordance with the preceding paragraphs of this article.

Article IX

The Secretary-General shall convene a conference of the Contracting Governments for revision or amendment of the present Convention at the request of not less than one third of the Contracting Governments. Any revision or amendments shall be adopted by a two-thirds majority vote of the Conference and then certified and communicated by the Secretary-General to all Contracting Governments for their acceptance. One year after the acceptance of the revision or amendments by two thirds of the Contracting Governments, each revision or amendment shall enter into force for all Contracting Governments except those, which, before its entry into force, make a declaration that they do not accept the revision or amendment. The Conference may by a two-thirds majority vote determine at the time of its adoption that a revision or amendment is of such a nature that any Contracting Government which has made such a declaration and which does not accept the revision or amendment within a period of one year after the revision or amendment enters into force shall, upon the expiration of this period, cease to be a Party to the Convention.

Article X

(1) The present Convention shall remain open for signature for six months from this day's date and shall thereafter remain open for accession.

(2) The Governments of States Members of the United Nations, or of any of the specialized agencies, or the International Atomic Energy Agency, or Parties to the Statute of the International Court of Justice may become Parties to the present Convention by:

- (a) signature without reservation as to acceptance;
- (b) signature with reservation as to acceptance followed by acceptance; or
- (c) accession.

Acceptance or accession shall be effected by the deposit of an instrument with the Secretary-General.

(3) The Government of any State not entitled to become a Party under paragraph 2 of this article may apply through the Secretary-General to become a Party and shall be admitted as a Party in accordance with paragraph 2, provided that its application has been approved by two thirds of the Members of the Organization other than Associate Members.

Article XI

The present Convention shall enter into force 60 days after the date upon which the Governments of at least 10 States have either signed it without reservation as to acceptance or have deposited instruments of acceptance or accession. It shall enter into force for a Government, which subsequently accepts it or accedes to it 60 days after the deposit of the instrument of acceptance or accession.

Article XII

Three years after entry into force of the present Convention with respect to a Contracting Government, such Government may denounce it by notification in writing addressed to the Secretary-General, who shall notify all Contracting Governments of the content and date of receipt of any such notification. Such denunciation shall take effect one year, or such longer period as may be specified in the notification, after its receipt by the Secretary-General.

Article XIII

- (1) (a) The United Nations, in cases where they are the administering authority for a territory, or any Contracting Government responsible for the international relations of a territory, shall as soon as possible consult with such territory in an endeavour to extend the present Convention to that territory, and may at any time by notification in writing given to the Secretary-General declare that the Convention shall extend to such territory.
 - (b) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.
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- (c) The provisions of article VIII of the present Convention shall apply to any territory to which the Convention is extended in accordance with the present article; for this purpose, the expression "its own formalities, documentary requirements or procedures" shall include those in force in that territory.
- (d) The present Convention shall cease to extend to any territory one year after the receipt by the Secretary-General of a notification to this effect, or on such later date as may be specified therein.

(2) The Secretary-General shall inform all the Contracting Governments of the extension of the present Convention to any territory under paragraph 1 of this article, stating in each case the date from which the Convention has been so extended.

Article XIV

The Secretary-General shall inform all signatory Governments, all Contracting Governments and all Members of the Organization of:

- (a) the signatures affixed to the present Convention and the dates thereof;
- (b) the deposit of instruments of acceptance and accession together with the dates of their deposit;
- (c) the date on which the Convention enters into force in accordance with article XI;
- (d) any notification received in accordance with articles XII and XIII and the date thereof;
- (e) the convening of any conference under articles VII or IX.

Article XV

The present Convention and its annex shall be deposited with the Secretary-General, who shall transmit certified copies thereof to signatory Governments and to acceding Governments. As soon as the present Convention enters into force, it shall be registered by the Secretary-General in accordance with Article 102 of the Charter of the United Nations.

Article XVI

The present Convention and its annex shall be established in the English and French languages, both texts being equally authentic. Official translations shall be prepared in the Russian and Spanish languages and shall be deposited with signed originals.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed the present Convention.*

DONE at London this ninth day of April 1965.

* Signatures omitted.

ANNEX

Section 1 – Definitions and general provisions**A. Definitions**

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

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

Cargo. Any goods, wares, merchandise, and articles of every kind whatsoever carried on a ship, other than mail, ship's stores, ship's spare parts, ship's equipment, cargo transport units,¹ crew's effects and passengers' accompanied baggage.

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

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

Cargo transport unit (CTU). A freight container, swap-body, vehicle, railway wagon or any other similar unit.²

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

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

Customs clearance. Accomplishment of the customs formalities necessary to permit goods to enter home use, to be exported or to be placed under another Customs procedure.³

¹ Those words are added for the reason that under the terms of the Customs Container Convention and the Istanbul Convention, a container is not deemed to be "cargo", as evidenced by those Conventions' provisions regarding temporary admission of containers. The use of the broader term CTUs is preferred. [source : World Shipping Council]

The UK does not support this exception, as there may be occasions when vessels are carrying containers etc under a commercial contract, and as such these would be viewed as cargo.

² The definition is taken from the IMO/ILO/UNECE *Guidelines for packing of CTUs*, and is added in relation with the addition of CTU to the definition of cargo. (source : World Shipping Council)

Japan seeks clarification on the necessity of this definition with the fact that a term "cargo transport units" appears only in the "Section 1. A. Definitions". If it is considered necessary Japan also seeks clarification on this relevance of the definition to other terms in this Convention such as the "Section 5. C. Containers and Pallets".

³ Sweden has noticed that there is not only the expression of Customs clearance but also other clearances mentioned in the document. For clarity, a definition of Clearance may be inserted, if not every clearance processes is referred to the Customs procedure.

Within vessel traffic services there is also Traffic clearances, where the VTS-operator gives permission to a vessel to leave berth/port. This may not be misunderstood.

Sweden would like to emphasize the different expressions in the text regarding clearance as well as release, for example clearance processes, clearance area, pre-arrival clearance and clearance of cargo

Customs release. Action taken by Customs authorities to permit goods undergoing clearance to be placed at the disposal of the persons concerned.⁴

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

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

ISPS Code. The "International Ship and Port Facility Security (ISPS) Code" adopted on 12 December 2002 by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS), as may be amended by the Organization⁵.

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

Master. The person having command of a ship⁶.

Passenger in transit. A passenger who arrives by ship from a foreign country for the purpose of continuing his/her⁷ journey by ship or some other means of transport to a foreign country.

Passengers' accompanied baggage. Property, which may include currency, carried for a passenger on the same ship as the passenger, whether in his/her⁸ personal possession or not, so long as it is not carried under a contract of carriage of goods or other similar agreement.

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

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

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

and passengers as well as clearance of persons. Sometimes it is connected with release but the expressions leave out the word Customs everywhere but in 7.10 for clearance. Needs further considerations.

4 **Sweden** observes that Customs release is not being used anywhere in the annex and that makes you wonder if it is needed at all or if the word Customs may be deleted and leave only the word Release in the definition list. Also, can a person or passengers be released or is the word Release only related to cargo/goods?

5 [Term for use with Recommended Practices 4.3.1.2 and 4.3.2.2.]

6 Definition provided as the term "shipmaster" is being replaced by the term "master" to standardize terms throughout the Convention.

7 **Sweden** believes that it may be an "outdated" or "old-fashioned" expression to refer to only the male gender and that it should be changed to read "his/her".
[Coordinator : to materialise the changes, the current text has incorporated this suggestion, in the definition of passengers in transit and where else the matter was raised]

8 **Sweden:** See previous comment.

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

Ship Agent : The party representing the ship's owner and/or charterer (the Principal) in port. If so instructed, the agent is responsible to the Principal for arranging, together with the port, a berth, all relevant port and husbandry services, tending to the requirements of the Master and crew, clearing the vessel with the port and other authorities (including preparation and submission of appropriate documentation) along with releasing or receiving the cargo on behalf of the Principal. Whilst providing these services, the ship agent may make declarations, representations, contract or otherwise make commitments on behalf of, and binding upon, the Principal to the extent of the authority delegated to, or usually possessed by, the ship agent. Provided the ship agent operates in accordance with such authority, the Principal shall accept full liability for the consequences of any declarations, representations, contracts or commitments so arranged by the ship agent. The agent is not the operator of the ship.⁹

Shipowner. One who owns or operates a ship, whether a person, a corporation or other legal entity, and any person other than the ship agent acting¹⁰ on behalf of the owner or operator.

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

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

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

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

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

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

Temporary admission. The Customs procedure under which certain goods can be brought into a Customs territory conditionally relieved, totally or partially, from payment of import duties and taxes and without application of import prohibitions or restrictions of economic character; such goods must be imported for a specific purpose and must be intended for

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

⁹ FONASBA propose to include this definition of the ship agent.

¹⁰ FONASBA propose this inclusion for consistency, in relation with the inclusion of a definition dedicated to the ship agent.

re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of them.

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

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

B. General provisions

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

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

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

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

1.2 **Recommended Practice.** Notwithstanding the fact that documents for certain purposes may be separately prescribed and required in this annex, public authorities, bearing in mind the interests of those who are required to complete the documents as well as the purposes for which they are to be used, should provide for any two or more such documents **that are to be submitted by the same party¹¹** to be combined into one in any case in which this is practicable and in which an appreciable degree of facilitation would result.

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

C. Systems for the electronic exchange of information

1.3bis **Standard.** Public authorities shall take all necessary measures for the establishment of systems for the electronic exchange of information by [Date of Adoption + x years].¹²

¹¹ Words added for editorial clarification (Source, World Shipping Council).

¹² **WSC encourages the earliest implementation of the mandatory electronic data exchange requirement, which will have significant benefits for both governments and industry. We believe that a period not to exceed three years from the time of adoption before the requirement becomes mandatory would be appropriate. We note in this regard that the EU decided on a 4 1/2 year period for the implementation of their Reporting Formalities Directive (RFD); however, this RFD includes mandatory implementation by the individual EU Member States of both electronic data exchange and national "Single Windows", i.e., a more demanding set of requirements than what is presently being considered in this review of the Annex to FAL.**

1.3ter Standard. Public authorities, when introducing systems for the electronic exchange of information to assist clearance processes, shall provide shipowners and other parties concerned with the necessary information about the systems requirements and give an adequate period of transition before the use of the systems are made mandatory.¹³

ICS supports the view of the World Shipping Council (WSC) that the earliest agreeable date of implementation should be inserted, and that such a period should not exceed three years from the time of entry into force of the amendment.

Denmark support the remarks made by the WSC and encourage the earliest implementation of the mandatory electronic data exchange requirement. Denmark is of the opinion that the implementation of electronic exchange of information marks the way forward for the maritime sector. Implementing electronic data exchange will not only alleviate the administrative burdens imposed on masters, the industry and governments, but will also be more cost-efficient.

In Denmark, several digitalization processes have been and are being implemented. For example, the introduction of electronic post from the public authorities to citizens, companies and other public authorities is expected to bring savings of approximately 200 million dollars during the period 2010-2016.

The Danish authorities are aware that the introduction of electronic data exchange systems is costly, especially for small companies, and therefore support that sufficient time should be allowed before electronic data exchange is made mandatory.

Based on the above, Denmark - at the same time - find that all stakeholders within the maritime sector will benefit from the introduction of electronic data exchange in the long run.

The Netherlands has the preference to adopt the system of electronic exchange as soon as possible.

Japan, recalling the following decision, stresses the importance of continuing an analysis of the costs and benefits among all the stakeholders : "4.4 The Committee agreed that, before a final decision on the date of the mandatory implementation of electronic exchange of information could be taken, an analysis of the costs and benefits of setting up the system would be required." (FAL38/15).

Marshall Islands supports the comments of Japan. The Marshall Islands also recollected the decision taken at FAL 38 regarding that a cost/benefit analysis for stakeholders was required before a final decision on the date of implementation of a mandatory electronic exchange.

Denmark : With regards to the Japanese comment, it is the understanding of Denmark that the cost/benefit analysis referred to in FAL38/15 4.4 would be a qualitative description of the rationale for introducing an electronic data exchange system. We therefore would like to put emphasis on our own comment that was submitted in October (see above) and the submission by BIMCO, ICS and WSC that was circulated by Fabien Joret in August ("Observations in Support of Making Electronic Data Exchange Mandatory in Maritime Traffic", July 23 2013). As we stated in October, Denmark encourages the earliest implementation of the mandatory electronic data exchange requirement and we find it would be very unsatisfactory if the process is stalled due to reasons of deciding on how to carry out an analysis of costs and benefits.

The UK does not support putting a set date in a Standard at this current time. Discussions are still continuing between Member States regarding the implementation of the EU reporting and the feasibility of achieving implementation of June 2015 for a Maritime Single Window.

13

WSC notes that normally 12-18 months are considered an appropriate time for regulated parties to develop, test and implement IT systems for usage in submitting required information. This time period is counted from when all the functional and technical specifications and supporting material (e.g., message implementing guidance, and test scenarios) have been developed, tested internally, and then made available to the regulated parties. We propose that this be further elaborated and reflected in the Explanatory Manual.

UK supports WSC proposal.

Japan proposes to delete "are made mandatory" in 1.3ter for the following reason:

Japan shares the view on the necessity and importance of introducing the systems for the electronic exchange of information and can go along with mandatory introduction of the systems. However, Japan believes that mandatory use of the system would impose too much burden on some ship owners and stakeholders, especially small companies, who may not be able to bear the costs of electronic systems. From this standpoint, the present text of 1.3ter, saying that "the use of the systems are made mandatory"

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

1.3quin **Recommended Practice.** Contracting Governments should encourage public authorities to introduce arrangements to enable trade and transport operators including ships and or their agents¹⁴ to submit all the information required by public authorities in connection with the arrival, stay and departure of ships, persons and cargo, avoiding duplication, to a single entry point ("Single window"). Single windows' should also serve as the mechanism through which public authorities communicate with the operators regarding all matters pertaining to the clearance of the ship.¹⁵

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

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

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

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

without any qualifications, is not appropriate since it assumes that the use of the systems is mandatory for everyone including such ship owners and other stakeholders.

Sweden believes that it is important to have a reasonably transitional time before the exchange of information is being made mandatory in electronic format. Especially the small companies need more time to implement these changes, but we need to go towards a more electronic reporting.

14 **FONASBA** believes that, considering the role of the ship agent in the exchange of information between the ship and shore, reference to the ship agent would be beneficial. To this end FONASBA recommends the sentence be amended thus.

15 **WSC** proposes for consideration that 1.3quin be amended with a new last sentence that would read: "Single windows' should also serve as the mechanism through which public authorities communicate with the operators regarding all matters pertaining to the clearance of the ship".

ICS supports the change proposed to Recommended Practice 1.3quin by WSC, which will clarify that 'single windows' should also be used when public authorities communicate with ship operators.

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

- (a) afford all interested parties, from the outset, the opportunity for consultation;
- (b) evaluate existing procedures and eliminate those which are unnecessary;
- (c) determine those procedures which are to be computerized;
- (d) use United Nations (UN) Recommendations , **WCO Information Packages,¹⁶** and relevant ISO Standards to the maximum extent practicable;
- (e) adapt these systems for multimodal applications; ~~and~~
- (f) take appropriate steps to minimize the cost of implementing these systems to operators and other private parties; ~~and~~
- (g) ~~give attention to the desirability of obtaining compatibility with other relevant information systems.~~

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

~~1.8 **Standard.** Public authorities, when introducing systems for the electronic exchange of information to assist clearance processes, shall encourage their use by maritime operators and other parties concerned but shall not reduce levels of service available to operators who do not use such systems.¹⁷~~

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

D. Illicit drug trafficking

1.9 **Recommended Practice.** Public authorities should seek to establish cooperation arrangements with shipowners and other parties concerned to improve their ability to combat

¹⁶ The **WCO** points out that the WCO Data Model contains information required from a multi-authority perspective and undergoes a regular and careful process of maintenance through contributions from multiple stakeholders. The Information Packages Data Model can be used to report IMO FAL information as well as for Maritime Single Window, and is being relied-upon by users. Considering that the FAL Forms are used to a large extent by Customs, it is considered necessary to include a reference to the WCO Data Model in the RP.

¹⁷ **Japan proposes to maintain** the Standard 1.8. The **use** of the electronic systems should not be mandatory as indicated in Japan's comment on 1.3ter and this deletion would give an implication that the use of the systems is made mandatory.

drug smuggling, while providing enhanced facilitation. Such arrangements could be based on the Customs Cooperation Council* Memoranda of Understanding and the associated guidelines.

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

E. Control techniques

1.11 **Standard.** Public authorities shall use risk management¹⁸ to enhance their border control procedures related to:

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

thereby facilitating the legitimate circulation of persons and goods.

Section 2 – Arrival, stay and departure of the ship

This section contains the provisions concerning the formalities required of shipowners by the public authorities on the arrival, stay and departure of the ship and shall not be read so as to preclude a requirement for the presentation for inspection by the appropriate authorities of certificates and other papers~~—carried~~ documents made available¹⁹ by the ship pertaining to its registry, measurement, safety, manning and other related matters.

A. General

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

The documents in question are:

- General Declaration
- Cargo Declaration
- Ship's Stores Declaration
- Crew's Effects Declaration
- Crew List
- Passenger List
- Dangerous Goods Manifest
- The document required under the Universal Postal Convention for mail

* Since 1994 known as the World Customs Organization.

18 **Sweden:** Is this risk management referring to any standard?

The UK supports Sweden's comment and believes that the Annex may benefit from the definition of 'risk management'

The Netherlands supports the question of Sweden and suggests that perhaps an explanation can be included in the Manual?

19 Usage of "papers" is impractical and anachronistic. This also applies to certificates and other documents that a shipowner is required, upon request, to make available to public authorities. Requiring such certificates to be carried by the ship and made available in original is cumbersome and unnecessary, also when considering the existence of internationally accepted methods for authentication of documents made available to public authorities (Source : World Shipping Council).

** See ~~FAL.2/Circ.123-MEPC.1/Circ.769-MS-C.1/Circ.1409~~ FAL.2/Circ.87-MEPC/Circ.426-MS-C.1151.

- Maritime Declaration of Health
- Security-related information as required under SOLAS regulation XI-2/9.2.2
- Advance Electronic Cargo Information for customs risk assessment purposes
- Advanced Notification Form For Waste Delivery to Port Reception Facilities, when communicated to the Organization.²⁰

Note:

The following FAL forms have been developed, as presented in appendix 1:

- General Declaration – FAL Form 1
- Cargo Declaration – FAL Form 2
- Ship's Stores Declaration – FAL Form 3
- Crew's Effects Declaration – FAL Form 4
- Crew List – FAL Form 5
- Passenger List – FAL Form 6
- Dangerous Goods Manifest – FAL Form 7.

2.1.1 **Standard.** Contracting Governments shall not require consular formalities, charges or fees in connection with documents, including their transmission,²¹ for the clearance of ships.

2.1.2 ~~Recommended practice.~~ **Standard.** Public authorities ~~should~~ shall develop procedures for the lodgement of to use pre-arrival and pre-departure information in order to facilitate the processing of such information required by public authorities for the expedited subsequent release/clearance ~~or of~~²² cargo and persons.

2.1.3 **Recommended Practice.** National legislation should specify the conditions for the lodgement of pre-arrival and pre-departure information. With regard to the point in time of transmission of the pre-arrival information, it should not normally be set ~~substantially~~²³ before the moment the ship has left the country of departure. However, national legislation could, in addition to the basic rule, also specify the exceptions ~~if the time required for the voyage shorter than the basic rule~~ from this principle where required, e.g., for voyages of short duration.²⁴

²⁰ Regarding the prior request to discharge garbage it was deemed acceptable if the port or terminal has this facility available and has informed on this availability on the GISIS. Hence the proposed insertion of the following words: "when communicated to the organisation." [Source : Brazil]

²¹ **WSC** proposes this amendment as shipowners should not be charged for transmitting the information they are legally required to submit for the purpose of clearance of ships.

ICS supports the change proposed to Standard 2.1.1 for the reasons outlined by the WSC.

²² **Sweden:** Is the end of the sentence correct or should it say: "...subsequent release/clearance of cargo and persons?"
[Coordinator : The current text has incorporated this editorial suggestion, which appears founded]

²³ **WSC** proposes to delete "substantially" as it can think of no reason why required pre-arrival and pre-departure information would have to be lodged before the ship is laden and has departed. WSC further note that the time line for submission of advance cargo risk information is addressed in 2.1.3bis

The UK Agrees with WSC that 'substantially' is too subjective.

²⁴ **WSC** notes that the sentence is incomplete and deems it be sufficient to shorten the sentence as proposed.

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

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

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

- a) ~~develop systems for the electronic transmission of data for the lodgement of pre-arrival and pre-departure information; and~~
- b) ~~[consider the] reuse [or subsequent use of] the pre-arrival and pre-departure information in subsequent procedures [as part of all the information required] for the release/clearance of passengers and cargo.~~²⁵

B. Contents and purpose of documents

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

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

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

- name, type and IMO number of ship²⁶
- call sign

The UK agrees with WSC to shorten sentence.

25 **Japan seeks clarification** of the scope of application of this provision, including whether it applies only to the case of using the electronic systems. In addition, it should be recognized that the reuse of information included in pre-arrival or pre-departure needs to be limited to specific procedure indicated in 2.1.4 so that no state concerned has to conduct the reuse of all the information included in pre-arrival and pre-departure.

26 **WSC** considers that using the ship's IMO number, one may easily obtain online the ship's flag, registry and tonnage, and therefore see no reason to require these three data elements in the declaration. This recommendation pertains, mutatis mutandis, to the other declarations mentioned in this Annex

France does not support the amendment proposed by the WSC. It is the responsibility of the shipowner to provide undisputable data regarding the ship, not for the port state to try to complete the data from various sources. Databases may be not up to date. Even if a ship's particular could be obtained through the ship IMO number, ships under a GRT of 500 do not have IMO numbers and not all ports, especially small ports, have access to databases that allow to find a ship's particular from its IMO number. It might prove expensive for some authorities to get access to the database, whereas the electronic transmission of the data should not entail a actual burden for shipowners. It is to be noted also that this amendment was proposed during FAL 38 in the working group on the revision of the convention and was not supported.

Denmark and Sweden agree with France.

The UK supports France in opposing the amendment, for the reasons outlined by France.

The Netherlands supports France in its remark that the proposal of the WSC is not supported. All information should be provided.

- flag State of ship
- voyage number
- particulars regarding registry
- particulars regarding tonnage
- name of master
- name and contact details of ship's agent
- brief description of the cargo
- number of crew
- number of passengers
- brief particulars of voyage
- date and time of arrival, or date of departure
- port of arrival or departure
- [estimated draught on arrival and departure]²⁷
- position of the ship in the port²⁸
- the ship's requirements in terms of waste and residue reception facilities
- last port of call/next port of call

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

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

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

- (a) on arrival
- name and IMO number of ship
 - flag State of ship
 - name of master
 - call sign
 - voyage number

²⁷ WSC remains of the view that vessel draft information is a purely operational matter to be exchanged between the ship and the harbor master, and does not believe that such operational information should be included in a document to be submitted to public authorities for the clearance of the ship. WSC also fails to see what possible interest such authorities could have in the ESTIMATED draft; if anything, wouldn't the ACTUAL draft be a more relevant piece of information ?

ICS opposes the proposed insertion of 'estimated draught on arrival and departure' within the information that may be required in the General Declaration. A vessel's draught information is already provided to the relevant authorities and the inclusion of such information would represent an unnecessary and additional administrative burden for ships.

The Netherlands can agree with the remarks of ICS and WSC to not include this in the forms.

²⁸ WSC notes that if this information is to be provided pre-arrival, then the master may not yet know the actual position of the ship in the port. Is this even a data element that needs to be in the General Declaration for the purpose of clearance of the ship ?

ICS agrees with the observation made by the WSC that information regarding the 'position of ship in the port' may not be known prior to arrival.

The Netherlands supports the proposal to delete this.

- port of loading
- port where report is made
- container identification, where appropriate; marks and numbers; number and kind of packages; quantity and description of the goods or, if available, the HS Code*
- transport document numbers for cargo to be discharged at the port in question
- ports at which cargo remaining on board will be discharged
- original ports of shipment in respect of goods shipped under multimodal transport documents or through bills of lading.

(b) on departure

- name and IMO number of ship
- flag State of ship
- name of master
- call sign
- voyage number
- port of discharge
- in respect of goods loaded at the port in question: container identification, where appropriate; marks and numbers; number and kind of packages; quantity and description of the goods²⁹
- transport document numbers for cargo loaded at the port in question.

Note: For the purposes of adequately describing the number and kind of packages on the cargo declaration, shipowners and other concerned parties should ensure that the external packaging unit of the goods will be used. If the goods are on pallets, the number and kind of packages on the pallet(s) should be stated. If the goods on the pallet are not packaged, the quantity and description of goods on the pallet should be used.

Note: To facilitate the processing of information required by public authorities, all parties involved should use an appropriate description of the goods and refrain from using generic terms, such as "general cargo", "parts", etc.

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

2.3.3 **Standard.** Public authorities shall accept that the Cargo Declaration is either dated and signed by the master, the shipowner issuing the transport document,³⁰ the ship's agent or some other person duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.

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

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

29 **WSC notes that the possibility of providing HS codes instead of a plain language cargo description is not provided for the cargo declaration at departure. Is this an oversight that should be corrected?**

30 Two or more shipping companies, in particular in the liner shipping industry, may be having cargo carried on a vessel subject to a vessel sharing (VSA) or similar types of arrangement. Certain of the data elements in the Cargo Declaration will, for shipments it is having carried aboard a vessel subject to a VSA, be known to the bill of lading issuing carrier, not to the vessel operator. The amendment clarifies this so as to appropriately reflect existing industry practice. [Source : World Shipping Council]

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

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

Note: Particulars of unmanifested parcels should be furnished on a separate form and should include relevant parts of the information normally shown in the Cargo Declaration. The IMO Cargo Declaration form could be used, with the title amended, e.g. to read: "Unmanifested Parcels List".

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

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

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

2.5.1 **Standard.** Public authorities shall accept that the Crew's Effects Declaration is either dated and signed by the master or by some other ship's officer duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned. The public authorities may also require each crew member to place his/**her**³¹ signature, or, if he or **she** is unable to do so, his/**her** mark, against the declaration relating to his/**her** effects.³²

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

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

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

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

³¹ **Sweden** believes that the paragraph contains several "outdated" expressions and should read "his/her" and "he/she".

³² The **WSC** wonders how it would be possible to require individual signatures in an electronic data interchange environment ?

- rank or rating
- gender³³
- date and place of birth
- nature and number of identity document
- issuing State for identity document
- expiry date of identity document³⁴
- ~~[visa number, if appropriate][visa number, if required for purposes other than shore leave]~~
- port and date of arrival
- last port of call.

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

2.6.3 Not in use.

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

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

2.7.1 Not in use.

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

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

- name and IMO number of ship
- call sign
- flag State of ship
- voyage number
- family name
- given names
- nationality
- date of birth
- place of birth
- gender
- type of identity or travel document supplied by the passenger and issuing State
- serial number of identity or travel document and expiry date
- port of embarkation
- [visa number , if appropriate]³⁵

³³ [All biographical data from passport to be included for harmonization with the requirements of International Civil Aviation Organization's Document 9303.]

³⁴ [Data displayed on FAL Form 5.]

³⁵ **France**, in support of its earlier proposal to add "visa item, if appropriate" in the passenger list, offers the following observations :

- port of disembarkation
- port and date of arrival of the ship
- transit passenger or not.

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

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

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

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

- Name of ship
- Call sign
- IMO number
- flag State of ship
- Master's name
- Voyage number
- Port of loading
- Port of discharge
- Shipping agent
- [Booking/reference number transport document numbers for dangerous goods to be discharged at the port in question]³⁷
- Marks and numbers
 - container ID No(s).

This proposition aims to allow a faster crossing of frontiers for passengers in countries where their admission is subject to visa requirements, as checks may thus been carried out before the crossing. The proposition aims to encourage carrier to be mindful, when passengers are embarking, that all of them hold the documents required by the State of destination or transit, in conformity with standard 3.15.1 of the FAL convention. This proposition has the advantage to harmonise the format of this data item, in the event it is required by public authorities.

Denmark, regarding the inclusion of visa numbers in the Passenger List and embarkation/disembarkation card, remains of the view that the reference to "visa number, if appropriate" should be included in Standard 2.7.3 and Recommended Practice 3.6. Denmark support the comments made by France under 2.7.3 and agree that inclusion of the visa number, if appropriate, allows for a faster crossing of frontiers for passengers in countries where their admission is subject to visa requirements. Inclusion of the visa number, if appropriate, can also be seen in the context of the overall increased focus on security and immigration in many states which the maritime sector also has to deal with and adjust to.

The UK supports France. The UK also requests this for facilitation purposes. Not providing this information may cause delays for passengers.

The Netherlands supports the proposal of France and Denmark

ICS still has concerns about the potential administrative burden that might be caused by this amendment.

³⁶ (Awaiting advice from DSC after consideration of document FAL 38/4/1)

³⁷ The booking number may be the bill of lading number, but it may not be. If it is not, then the bill of lading number is the number that governs the shipment, and for that reason it would be more logical and informative for public authorities to require this number instead of the booking number. Also, the change creates consistency with the data elements to be included in the Cargo Declaration. [Source : World Shipping Council]

- vehicle Reg. No(s).
- Number and kind of packages
- Proper shipping name
- Class
- UN Number
- Packing group
- Subsidiary risk(s)
- Flashpoint (in oC, c.c.)
- Marine Pollutant
- Mass (kg) – gross/net
- EmS
- Stowage position on board
- Additional information^{38,39]}

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

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

C. Documents on arrival

2.11 **Standard.** [In respect of a ship's arrival in port, taking into account Standard 1.3bis and Recommended Practice 1.3quart, public authorities shall not require more than:

~~In respect of a ship's arrival in port, public authorities shall not require more than:~~

- 5 copies of the General Declaration
- 4 copies of the Cargo Declaration
- 4 copies of the Ship's Stores Declaration
- 2 copies of the Crew's Effects Declaration
- 4 copies of the Crew List
- 4 copies of the Passenger List
- 1 copy of the Dangerous Goods Manifest
- 1 copy of the Maritime Declaration of Health
- 1 copy of the Security-related information as required under SOLAS regulation XI-2/9.2.2
- 1 copy of the Advanced Notification Form For Waste Delivery to Port Reception Facilities when communicated to the Organization.]^{40,41}

³⁸ The original formulation resulted in a paradox viz. "not require more than the following information ... additional information". If public authorities believe that more data elements than those currently listed should be included in the Dangerous Goods Manifest, they should identify such additional data elements and provide a rationale for their inclusion so that, upon agreement, they might be listed in an amended 2.8.1. [Source : World Shipping Council]

³⁹ [Awaiting advice from DSC after consideration of document FAL 38/4/1]
⁴⁰ Regarding the prior request to discharge garbage, the amendment is deemed acceptable if the port or terminal has this facility available and informed on this availability on the GISIS. Hence the proposed insertion of the following words: "when communicated to the Organization." [Source : Brazil]

⁴¹ **Sweden:** All these copies imply that only paper documents are used and not electronically documents. Since this is a maximum list of how many copies that may be required, this should be investigated further. It also doesn't rhyme with what is mentioned in Standard 1.1.

Denmark agrees with Sweden on this matter.

D. Documents on departure

2.12 **Standard.** [In respect of a ship's departure from port, taking into account Standard 1.3bis and Recommended Practice 1.3quart, public authorities shall not require more than: ~~In respect of a ship's departure from port, public authorities shall not require more than:~~

- 5 copies of the General Declaration
- 4 copies of the Cargo Declaration
- 3 copies of the Ship's Stores Declaration
- 2 copies of the Crew List
- 2 copies of the Passenger List
- 1 copy of the Dangerous Goods Manifest.⁴²

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

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

2.12.3 **Standard.** Where public authorities require information about the crew of a ship on its departure from the port, one of the copies of the Crew List presented on arrival at the port shall be accepted on departure, provided it is signed again by the master or an officer duly authorized by him, and endorsed **or authenticated in a manner acceptable to the public authority concerned,**⁴³ to indicate any change in the number or composition of the crew at the time of the ship's departure or to indicate that no such change has occurred during the ship's stay in the port.

2.13 **Not in use**⁴⁴

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

The Netherlands supports the proposal of Sweden to examine whether these parts can be deleted in the future, since it will not be necessary to have several copies anymore if electronic exchange is made possible.

⁴² **Sweden** : see previous comment. **Denmark** agrees, cf. previous comment.

⁴³ **WSC** considers that this Standard needs to be updated to reflect electronic transmission of the Crew List where signatures are not feasible and propose - in line with other similar Standards and Recommended Practices the insertion above.

ICS supports the change proposed to Standard 2.12.3 by the WSC. This amendment would update the Standard to accommodate electronic transmission of the Crew List.

Marshall Islands supports the change proposed to 2.12.3 for the reasons outlined by the WSC and ICS.

Denmark agrees with WSC and ICS on this matter. However, Denmark would like to propose to insert the sentence proposed by WSC after "endorsed": "...provided it is signed again by the master or an officer duly authorized by him, and endorsed, or authenticated in a manner acceptable for the public authority concerned, to indicate...". In Denmark's view, this makes Standard 2.12.3 easier to read. **[Coordinator : The current text has incorporated this suggestion, which appears founded and merely editorial]**

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

⁴⁴ Editorial amendment. [source : Secretariat.]

2.14 **Recommended Practice Standard**⁴⁵. Taking into account the procedures carried out on the arrival of a ship at the first port of call in the territory of a State, shipowners shall only be obligated to submit required information once to the public authorities of a State. The formalities and documents required by the public authorities at any subsequent port of call in that country visited without intermediate call at a port in another country ~~should~~ shall be kept to a minimum.

F. Completion of documents

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

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

2.16.1 **Standard**. Public authorities shall accept a signature, when required, in handwriting, in facsimile, perforated, stamped, in symbols, or made by any other mechanical or electronic means, if such acceptance is not inconsistent with national laws. The authentication of information submitted on non-paper media shall be in a manner that is acceptable to the public authority concerned and which facilitates the electronic submission of the information by the parties concerned irrespective of their residence.^{46 47}

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

G. Errors [and amendments⁴⁸] in documentation and penalties therefore

⁴⁵ Japan disagrees with the proposed revision of the 2.14 from "RP" to "Standard". Ships load and unload passengers and/or cargoes at each port after the first port call in the territory of State, and, relevant information may be subject to change from port to port; therefore, in quite a few States, including Japan, the public authorities may need to obtain relevant information at each port for the purpose of effective enforcement.

⁴⁶ The same requirements thus apply to all shipowners irrespective of their country of residence. It reflects factual experience that certain jurisdictions have tried to impose residency requirements as a condition for shipowners being allowed to use electronic signatures and/or electronic filing systems. [Source : World Shipping Council]

⁴⁷ The WSC, Mindful of the request in paragraph 4.25 in FAL 38/WP.4, proposes the following language for inclusion in the Explanatory Manual: "Electronic transmission of required information can be done from any location as long as the submitter has been certified and authenticated pursuant to applicable regulations and requirements. Such regulations and requirements may not require that the submitter is domiciled in the jurisdiction to which the information is to be submitted. Nor may they require the usage of a service provider or IT systems, e.g., a server, located in that jurisdiction. Information regarding certification and authentication requirements should be publicly and electronically available, and should in addition to any local languages be furnished in one of the official languages of the Organization".

FONASBA, Noting that electronic transmission of required information is indeed done from any location, and recognising the opportunities for the provision of fraudulent information this would imply, supports the requirement that the submitter is duly certified and authenticated, but has concerns over how this might be achieved in practice.

⁴⁸ [To be further developed by the CG est. After FAL 38 and taking into account the new proposal 2.18bis (amendments)]

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

[2.18bis Standard. Public authorities shall allow for amendments to information already submitted in accordance with applicable laws and regulation ...{see footnote 23}]⁴⁹

2.19 **Standard.** ~~If errors are found [in data transmitted as] documents provided for in Appendix 1 of this annex or, in [exceptional circumstances, a the] corresponding [data] [document] [transmitted in electronic form],~~ If errors are found in the data transmitted as provided for in Appendix 1 of this annex,⁵⁰ which have been signed by or on behalf of a shipowner or master, or otherwise authenticated, no penalties shall be imposed until an opportunity has been given to satisfy the public authorities that the errors were inadvertent, not of a serious nature, not due to recurrent carelessness and not made with intent to violate the laws or regulations of the port State.⁵¹

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

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

2.21 **Standard.** Public authorities shall, ~~by radio whenever possible, but in any case~~⁵² by the fastest channels available, inform the master, before the arrival of the ship, of the documentation and the procedures necessary to put the sick or injured persons ashore expeditiously and to clear the ship without delay.

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

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

⁴⁹ The WSC upon further reflection, does not see a need to "further develop" 2.18bis - it is clear and self evident as drafted.

⁵⁰ For coherence with standard 2.18. [source : World Shipping Council]

⁵¹ the WSC, in the interest of facilitating the work of the correspondence group, and taking into account the proposed amendments to the Annex in 1.3bis - 1.3quint, proposes that 2.19 simply be amended to read as underlined above. WSC, however, notes that it would seem more logical to have 2.19 following immediately after 2.18. (because they both deal with errors), and then re-number 2.18bis as 2.19bis.

⁵² The phrase "by radio whenever possible" is redundant. [Source : Australia]

is indispensable, the General Declaration. Public authorities shall in such situations waive the time limits for the submission of the documents. ⁵³

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

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

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

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

Section 3 – Arrival and departure of persons

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

A. Arrival and departure requirements and procedures

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

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

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

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

⁵³ The WSC, points that FAL 38/WP 4, paragraph 4.27, directs the correspondence group to further consider the issue of of shipowners' liability in case of force majeure in Standard 2.23. The already agreed deletion of "normally" to a large degree addresses its concerns. However, WSC proposes for consideration, to insert the new last sentence underlined above.

ICS supports the changes proposed to Standard 2.23 by the WSC, which would help ensure greater flexibility for ships bringing ashore sick or injured persons.

The UK believes that Section H is quite distinct from cases of Force Majeure. Recognised already agreed deletion of 'normally' but not additional text.

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

Note: The above Standard shall not be construed as overriding the right of the public authorities of the Contracting Governments to determine whether or not, depending on the individual case, possession of fraudulent documents in itself constitutes grounds for refusal of admission and prompt removal from the territory of the State concerned. Nothing in this Standard is to be construed as contradicting the provisions of the United Nations Convention Relating to the Status of Refugees of 28 July 1951 and the United Nations Protocol relating to the Status of Refugees of 31 January 1967, which concern the prohibitions of the expulsion or return of a refugee.

3.3.2 Standard. Contracting Governments shall accept for examination a person being returned from his/her point of disembarkation after having been found inadmissible if this person had embarked in their territory. Contracting Governments shall not return such a person to the country where he or she was earlier found to be inadmissible.⁵⁴

Note 1: This provision is not intended to prevent public authorities from further examining a returned inadmissible person to determine his eventual acceptability in the State or make arrangements for his transfer, removal or deportation to a State of which he is a national or where he is otherwise acceptable. Where a person who has been found to be inadmissible has lost or destroyed his travel document, a Contracting Government will accept instead a document attesting to the circumstances of embarkation and arrival issued by the public authorities of the Contracting Government where the person was found to be inadmissible.

Note 2: Nothing in this Standard or in Note 1 is to be construed as contradicting the provisions of the United Nations Convention Relating to the Status of Refugees of 28 July 1951 and the United Nations Protocol Relating to the Status of Refugees of 31 January 1967, which concern the prohibition of the expulsion or return of a refugee.

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

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

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

3.3.6 Standard. Where a person is found to be inadmissible, the public authorities shall, without unreasonable delay, inform the shipowner and consult the shipowner regarding the arrangements for removal. The shipowner is responsible for the costs of stay and removal of

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

⁵⁴ Sweden believes that this and the next paragraph contain several "outdated" expressions and should read "his/her" and "he/she".

an inadmissible person and, in the case where the person is transferred back to the custody of the shipowner, the shipowner shall be responsible for effecting his/her prompt removal to:

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

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

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

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

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

- family name
- given names
- nationality
- number and expiry date of passport or other official identity document
- date of birth
- place of birth
- occupation
- port of embarkation/disembarkation
- gender
- destination address
- signature.
- [visa number, if appropriate.]

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

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

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

3.9.1 **Recommended Practice.** Public authorities should, wherever possible, waive inspections of accompanied baggage of departing passengers, with due regard to the

possible need to impose appropriate security measures preferably by automated means to facilitate review⁵⁵.

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

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

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

- family name
- given names
- gender⁵⁶
- date and place of birth
- nationality
- physical characteristics
- photograph (authenticated)
- signature
- date of expiry (if any)
- issuing public authority.

3.10.2 Standard. When it is necessary for a seafarer to enter or leave a country as a passenger by any means of transportation for the purpose of:⁵⁷

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

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

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

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

3.11 Recommended Practice. Public authorities should, with the cooperation of shipowners and port authorities, and/or port administration⁵⁸ take appropriate measures to

⁵⁵ Japan seeks clarification on the meaning of "automated means". This term is not clear enough to identify what kind of facilities/tools needs to be introduced.

⁵⁶ The gender may be required in the seafarer's identity document, as article 3.7 of the ILO Seafarers' Identity Documents Convention, 2003 (C185), lists it among the particulars that must be included in the seafarer's identity document.

⁵⁷ Sweden believes that bullet a) and b) in this paragraph contains "outdated" expressions and should read "his/her".

⁵⁸ [Source : Venezuela.]

the end that satisfactory port traffic flow arrangements may be provided so that passengers, crew and baggage can be cleared rapidly, should provide adequate personnel, and should ensure that adequate installations are provided, particular attention being paid to baggage loading, unloading and conveyance arrangements (including the use of mechanized systems) and to points where passenger delays are frequently found to occur. Arrangements should be made, when necessary, for passage under shelter between the ship and the point where the passenger and crew check is to be made. Such arrangements and installations should be flexible and capable of expansion to meet increased security measures during higher-threat situations security levels⁵⁹.

3.11.1 Recommended Practice. Public authorities should:

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

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

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

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

⁵⁹

Align terminology with SOLAS regulation XI-2/1.14.

*

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

arrangements for relieving crew members for this purpose from essential duties in engine-rooms and elsewhere.

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

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

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

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

3.15.2 **Standard.** When a person is found to be inadmissible and is removed from the territory of the State, the shipowner shall not be precluded from recovering, from such a person, any costs arising from his/her inadmissibility.⁶⁰

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

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

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

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

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

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

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

⁶⁰ Sweden believes that this paragraph contains an "outdated" expression and should read "his/her".

3.20 **Standard.** Public authorities shall authorize granting of pratique by ~~radio-electronic means~~⁶¹ to a cruise ship when, on the basis of information received from it prior to its arrival, the health authority for the intended port of arrival is of the opinion that its arrival will not result in the introduction or spread of a quarantinable disease.

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

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

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

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

Note: It is the intention of this Recommended Practice that each Contracting State may issue to such passengers, or accept from them upon arrival, some form indicating that they have permission to enter the territory.

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

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

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

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

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

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

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

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

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

⁶¹ The term "by radio" is amended to cover current method of operating.

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

3.35 Not in use.

E. Special measures of facilitation for passengers in transit⁶²

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

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

3.38 **Recommended Practice.** A passenger in transit who remains on board the ship on which he or she arrived and departs with it⁶³ should not be required to complete a disembarkation/ embarkation card.

3.39 **Recommended Practice.** A passenger in transit who is continuing his journey from the same port in the same ship should normally be granted temporary permission to go ashore during the ship's stay in port if he so wishes subject to the public authorities' admissibility and visa requirements⁶⁴.

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

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

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

F. Measures of facilitation for ships engaged in scientific services

⁶² Sweden believes that 3.36-3.41 in section E contains several "outdated" expressions and should read "he/she" and "his/her".

⁶³ Although the text of Recommended Practice 3.38 in grey has been provisionally agreed, ICS respectfully suggests that it should be revisited.

The text in grey has been proposed as a 'textual amendment' to align the text of Recommended Practice 3.38 with that of Standard 3.36. However ICS believes that such a change would significantly alter the meaning of Recommended Practice 3.38, which now appears to imply that a passenger in transit who does not remain on the ship should have to complete a disembarkation/embarkation card. This seems to be a reduction in the scope for facilitation of passengers in transit without demonstration of compelling need.

The Netherlands is of the opinion that in principle this sentence does not imply the opposite. However, the situation of a passenger that does want to leave the ship, means, in practice, that he or she will be subjected to the border control check and possibly also will be required to complete a disembarkation card, since the passenger is not allowed to have shore leave like the crew members.

⁶⁴ Provides for greater clarity as regards the reasons permission to go ashore may be refused.

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

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

3.44 **Standard.** [All] Foreign crew⁶⁵ members shall be allowed ashore by the public authorities while the ship on which they arrive is in port, provided that the formalities on arrival of the ship have been fulfilled and the public authorities have no [clear grounds reason]⁶⁶ to refuse permission to come ashore for reasons of public health, public safety or public order. Shore leave shall be allowed in a manner which excludes discrimination such as on the grounds of nationality, race, colour, sex, religion, political opinion, or social origin and irrespective of the flag State of the ship on which they are employed, engaged or work.

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

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

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

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

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

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

Section 4 – Stowaways

⁶⁵ ICS proposes that the words "All Foreign" are removed from the text of Standard 3.44.

⁶⁶ France considers that the wording "clear grounds" is subjective and open to different legal interpretations. France prefers the alternative wording "[...] /shall be allowed ashore by the public authorities while the ship on which they arrive is in port, provided that the formalities on arrival of the ship have been fulfilled and the public authorities have no reasons of public health, public safety or public order to refuse permission to come ashore".

ICS can agree to the text proposed by France to replace "clear grounds".

The Netherlands can support France with regards to this proposal

A. General Principles

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

4.2 **Standard.** Public authorities, port authorities, shipowners ~~and their representatives~~⁶⁷ and ~~shipmasters~~ ~~masters~~⁶⁸ shall cooperate to the fullest extent possible in order to prevent stowaway incidents and to resolve stowaway cases expeditiously and secure that an early return or repatriation of the stowaway will take place. All appropriate measures shall be taken in order to avoid situations where stowaways must stay on board ships ~~indefinitely~~ for an unreasonable amount of time.

B. Preventive measures

4.3 Ship/Port preventive measures

4.3.1 Port/terminal authorities

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

4.3.1.2 **Recommended Practice.** Operational arrangements and/or port facility security plans should, at least be equivalent to those contained in relevant text of section B/16 of the ISPS Code.⁶⁹ ~~inter alia, address the following issues where appropriate:~~

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

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

⁶⁷ ~~The shipowners representatives are included in shipowners definition.~~

⁶⁸ ~~Having two terms to describe the same entity causes confusion.~~

⁶⁹ ~~As all the provisions listed are included in the ISPS Code, reference is changed to the paragraph of part B that contains the guidance.~~

- (g) ~~developing and implementing agreements with stevedores and other shoreside entities operating in national ports to ensure that only personnel authorized by these entities participate in the stowing/unstowing or loading/ unloading of ships or other functions related to the ships stay in port;~~
- (h) ~~developing and implementing agreements with stevedores and other shoreside entities to ensure that their personnel having access to the ship is easily identifiable, and a list of names of persons likely to need to board the ship in the course of their duties is provided; and~~
- (i) ~~encouragement of stevedores and other persons working in the port area to report to the port authorities, the presence of any persons apparently not authorized to be in the port area.~~

4.3.2 Shipowner/~~Shipmaster~~ Master

4.3.2.1 **Standard.** Contracting Governments shall require that shipowners, ~~and their representatives⁷⁰ in the port,~~ the masters as well as other responsible persons⁷¹ have security arrangements in place which, as far as practicable, will prevent intending stowaways from getting aboard the ship, and, if this fails, as far as practicable, will detect them before the ship leaves port.

4.3.2.2 **Recommended Practice.** When calling at ports and during stay in ports, where there is risk of stowaway embarkation, ~~security operational arrangements and/or ship security plans~~ should at least contain the following preventive measures: ~~be equivalent to those contained in the relevant text of section B/9 of the ISPS Code.~~⁷²

~~all doors, hatches and means of access to holds or stores, which are not used during the ships stay in port should be locked;~~

~~access points to the ship should be kept to a minimum and be adequately secured;~~

~~the ships stay in port should be locked;~~

~~access points to the ship should be kept to a minimum and be adequately secured;~~

~~areas seaward of the ship should be adequately secured;~~

~~adequate deck watch should be kept;~~

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

~~adequate means of communication should be maintained; and~~

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

4.3.2.3 **Standard.** Contracting Governments shall require that ships entitled to fly their flag, except passenger ships, when departing from a port, where there is risk of stowaway embarkation, have undergone a thorough search in accordance with a specific plan or schedule, and with priorities given to places where stowaways might hide ~~taking into account~~

⁷⁰ ~~The shipowners representatives included in the shipowner definition.~~

⁷¹ ~~Representatives in the port, the masters as well as other responsible persons not required as included in definition of shipowners.~~

⁷² ~~As all the provisions listed are included in the ISPS Code, reference is changed to the paragraph of part B that contains the guidance.~~

the specific ship type and its operations. Search methods, which are likely to harm secreted stowaways shall not be used.

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

4.3.3 National Sanctions

4.3.3.1 **Standard.** Where appropriate, Contracting Governments shall, ~~according~~ incorporate into their national legislation, ~~prosecute stowaways~~ legal grounds to allow prosecution of stowaways, attempted stowaways and any individual or company aiding a stowaway or an attempted stowaway with the intention to facilitate access to the port area, any ship, cargo or containers.^{73 74}

C. Treatment of the stowaway while on board

4.4 General principles – Humane treatment

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

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

4.5 Work on board

⁷³ This clause provides that Contracting Governments shall take action to prosecute anyone who attempts to stowaway according to their national legislation. Such action is therefore dependant on the national legislation being in place, but does not suggest that States should have such legislation in place to allow them to prosecute. The amendments put the onus on States to have such legislation in their national law. For example, whilst the original wording is a good preventative measure, there seems to be little occurrence of countries who prosecute stowaways. Generally it is the shipowner that is penalized or sanctioned and not the stowaway. [Source : World shipping Council]

⁷⁴ The WSC, while fully supporting the amended Standard, notes that the Annex does not include a definition of "container"; instead it now includes a definition of "cargo transport unit"(CTU). Would it therefore not be more correct in this Standard to refer to CTUs?

The Netherlands is against amending the Standard as proposed. It should be up to the states themselves in order to decide to include provisions into the national legislation on the prosecution of (attempted) stowaways and people/companies helping them.

4.5.1 **Standard.** Stowaways shall not be ~~required~~ ~~permitted~~ to work on board the ship, except in emergency situations or in relation to the stowaway's accommodation and provisioning⁷⁵ on board.

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

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

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

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

4.7 Notification of ~~to~~ the International Maritime Organization

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

D. Deviation from the planned route

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

permission to disembark the stowaway has been granted by the public authorities of the State to whose port the ship deviates; or

repatriation has been arranged elsewhere with sufficient documentation and permission for disembarkation; or

there are extenuating ~~safety~~⁷⁶, security, health or compassionate reasons; or

attempts to disembark in other ports on the planned voyage have failed and deviation is necessary in order to avoid that the stowaway remain on board for a significant period of time.

E. Disembarkation and return of a stowaway

⁷⁵ S 4.4.2 introduces provisioning as a criterion. Ship's crew should not be expected to wash plates, etc., for stowaways. The amended Standard states that the stowaway should not be permitted to work. If a stowaway works, he/she will feel naturally entitled to pay, not realizing that they would have to work for many months on board in order to make up for the costs and expenses a shipowner will incur because of him (her), and that particular issue could become an added problem. If a stowaway did work then this would also cause difficulties for the shipowner from the seafarers' unions, and there would also be an increased risk of the stowaway suffering injury due to their lack of training and experience of working on board a vessel. [Source : World Shipping Council]

⁷⁶ The current economic migration driver for stowaways coupled with organized criminals organizing transport means that there can be large numbers of stowaways on the ship. This can mean that the ship's lifesaving capacity is exceeded, thus raising questions about safety (raised at MSC 88).

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

4.9.1 **Standard.** Public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall decide in accordance with national legislation whether the stowaway is admissible to that State and will do their utmost to cooperate with the parties involved in resolving the issue.⁷⁷

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

4.9.3 **Standard.** ~~Where appropriate and in accordance with national legislation, public~~ **Public**⁷⁸ authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall allow disembarkation of the stowaway when the public authorities are satisfied that they or the shipowner will obtain valid travel documents, make timely arrangements for repatriation of the stowaway, and fulfil all the requisites for transit. Public authorities shall, further, favourably consider allowing disembarkation of the stowaway, when it is impracticable to remove the stowaway on the ship of arrival for the stowaway to remain on the ship or other factors exist which would preclude removal the stowaway remaining⁷⁹ on the ship. Such factors may include, but are not limited to when:

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

4.10 Subsequent ports of call

4.10.1 **Standard.** When disembarkation of a stowaway has failed in the first scheduled port of call after discovery of the stowaway, public authorities of the⁸⁰ subsequent ports of call shall examine the stowaway as for disembarkation in accordance with Standards 4.9.1, 4.9.2 and 4.9.3.

4.11 State of Nationality or Right of Residence

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

4.11.2 **Standard.** Public authorities shall, when possible, assist in determining the identity and nationality/citizenship of stowaways claiming to be a national or having a right of

⁷⁷ Experience would suggest that there needs to be a greater onus on the State of the ship's first scheduled port of call after discovery of a stowaway to cooperate in resolving the issue.

⁷⁸ The standard covers only cases where the authorities are satisfied that they or the shipowner will obtain valid travel documents, make timely arrangements for repatriation of the stowaway and fulfil all requisites for transit.

⁷⁹ The phrases "remove the stowaway on the ship of arrival" and "removal" caused immense difficulty amongst delegations to MSC 88, maritime security working group, especially to those whose first language was not English. The revised text states simply what is being considered.

⁸⁰ See reasons discussed under 4.6.1. [WSC]

residence in their State. Where possible, the local embassy, consulate or other diplomatic representation of the country of the stowaway's nationality will be required to assist in verifying the stowaway's nationality and providing emergency travel documentation.⁸¹

4.12 State of Embarkation

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

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

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

4.13 The flag State

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

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

4.14 Return of stowaways

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

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

⁸¹ There should be an obligation on the State of the stowaway's nationality to assist in verifying their nationality and providing them with the necessary travel documentation. The local embassy would be the appropriate means of providing such assistance.

airports of stowaways travelling under the removal instructions or directions of public authorities of the country of the port of disembarkation.

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

4.15 Cost of return and maintenance of stowaways

4.15.1 Recommended Practice. The public authorities of the State where a stowaway has been disembarked should generally inform the shipowner, on whose ship the stowaway was found as far as practicable, of the level of cost of detention and return and any additional costs for the documentation of the⁸² stowaway, if the shipowner is to cover these costs. In addition, public authorities should cooperate with the shipowner to keep such costs to a minimum as far as practicable and according to national legislation, if they are to be covered by the shipowner.⁸³

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

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

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

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

This section contains the provisions concerning the formalities required by public authorities from the shipowner, his/her⁸⁴ agent or the master of the ship.

A. General

5.1 Recommended Practice. Public authorities should, with the cooperation of shipowners[, and] port authorities, and port facilities and terminals, take appropriate measures to ~~the end~~ ensure⁸⁵ that port time may be kept to a minimum, should provide satisfactory port traffic flow arrangements, and should frequently review all procedures in connection with the arrival and departure of ships, including arrangements for embarkation

⁸² There are additional costs that the State of disembarkation should inform the shipowner of, the amendments tries to cover. [WSC]

⁸³ The words "as far as practicable and according to national legislation, if they are to be covered by the shipowner" were deleted by mistake at the working group that met during the FAL Committee meeting in September 2011. Those words are reinserted.

⁸⁴ Sweden believes that this paragraph contains an "outdated" expression and should read "his/her".

⁸⁵ Many ports around the world are essentially landowners who lease acreage to terminals that stevedore the ships calling that particular port. [Source : World Shipping Council]

and disembarkation, loading and unloading, servicing and the like and the security measures associated therewith. They should also make arrangements whereby cargo ships and their loads can be entered and cleared, in so far as may be practicable, at the ship working area.

5.2 Recommended Practice. Public authorities should, with the cooperation of shipowners, and port authorities, and port facilities and terminals, take appropriate measures to the end ensure that satisfactory port traffic flow arrangements are provided so that handling and clearance procedures for cargo will be smooth and uncomplicated. These arrangements should cover all phases from the time the ship arrives at the dock for unloading and public authority clearance and for free zones, storage facilities, warehousing and onward movement re-forwarding⁸⁶ of cargo if required. There should be convenient and direct access between the free zone, storage facilities and⁸⁷ cargo warehouse and the public authority clearance area, which should be located close to the dock area, and mechanical conveyance should be available, where possible with, whenever possible, easy access and transfer capabilities and infrastructure⁸⁸.

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

5.3bis Recommended Practice. Public authorities should require only a minimum of data necessary for the identification of the cargo that is to be placed in storage prior to release or re-export or importation, and should, whenever available, use the information contained in the pre-arrival declaration for this purpose.⁸⁹

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

5.5 Recommended Practice. When the nature of a consignment could attract the attention of different agencies authorized to carry out inspections, such as Customs and

⁸⁶ ["re-forwarding" was deemed to be unclear. [Source : World Shipping Council]]

⁸⁷ Free zones and storage facilities for e.g. transhipped goods are essential components of international maritime containerized supply chains and it is essential for the uninterrupted flow of maritime containerized shipments that such facilities are available and provide efficient and effective services that reflect the 24/7/365 nature of international liner shipping. [Source : World Shipping Council]

⁸⁸ "Mechanical conveyance" was deemed a unclear term. [Source : World Shipping Council]

⁸⁹ Goods declared for temporary storage will have been included in the pre-arrival declaration and/or the arrival manifest so information about such goods are already available to the public authorities and will have been screened by them. If such goods are to be re-exported, the main interest of public authorities will be to ensure that the goods released for re-export are the same that were declared for temporary storage. If such goods, however, are to be imported, they will only be released upon the filing of a separate import Customs declaration to ensure, inter alia, that national prohibitions and restrictions are complied with and that the goods to be released are the same as those declared for temporary storage. In order to provide for such confirmation of similarity of the goods declared for temporary storage and the goods released, only few data elements about the identity of the goods are required when the goods are first declared for temporary storage. This principle is embedded in e.g. existing EU and EU Member State Customs legislation. [Source : World Shipping Council]

The UK does not support this. Data on pre-arrival declaration can be re-used but the Union Customs Code Article 145 (paragraph 5(b)) recognises it should be supplemented by the particulars require for the declaration for temporary storage.

veterinary or sanitary controllers, Contracting Governments should authorize either Customs or one of the other agencies to carry out the required procedures or, where that is not feasible, take all necessary steps to ensure that such ~~clearance~~ inspections are carried out simultaneously at one place and with a minimum of delay and, whenever possible, carried out upon prior coordination with the party having custody of the consignment.⁹⁰

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

B. Clearance of cargo

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

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

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

5.9 Reserved.

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

5.10.1 **Recommended Practice.** Public authorities should ~~consider the introduction of~~ introduce⁹¹ simplified procedures for authorized persons allowing:

- a) release of the goods on the provision of the minimum information necessary to identify the goods, to accurately identify and assess risk as it relates to concerns such as health, safety and security, and permit the subsequent completion of the final goods declaration;
- b) clearance of the goods at the declarants premises or another place authorized by the relevant public authority; and
- c) submission of a single goods declaration for all imports or exports in a given period where goods are imported or exported frequently by the same person.⁹²

⁹⁰ A meaningful and tangible facilitation to maritime trade will be – just like national "Single Windows" – the joint inspection by multiple national government agencies of the same shipment. Also, the party having custody of the consignment, and thus potentially liable for any damages to it during an inspection, should, whenever possible, be informed about the impending inspection and afforded the opportunity to be present during the inspection. [Source : World Shipping Council]

⁹¹ Multiple jurisdictions have introduced measures similar to those enumerated in either the WCO's "SAFE Framework of Standards", including its AEO recommendations, and/or the WCO's Revised Kyoto Convention. The revised FAL Convention should reflect and support such trade facilitating measures. [Source : World Shipping Council]

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

5.12 **Recommended Practice.** ~~In so far as resources allow, p~~Public authorities should, on the basis of a valid request, conduct physical examinations of cargo, where necessary, at the point where it is loaded into its means of transport and while loading is in progress, either at the dockside or, in the case of unitized cargo, at the place where the container is packed⁹³ loaded and sealed.

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

5.14 **Recommended Practice.** Public authorities should use systems for the electronic exchange of information for the purposes of obtaining information in order to accelerate and simplify storage, clearance and re-export⁹⁴ processes.

5.14.1 **Recommended Practice.** Public authorities should endeavour to quickly clear terminate⁹⁵ the transit procedure covering goods from another State awaiting loading.

C. Containers and pallets

5.15 **Standard.** Public authorities shall, in conformity subject to compliance with their respective regulations, permit the temporary admission of containers, and pallets and container equipment and accessories that are affixed to the container or are being transported separately⁹⁶ without payment of customs duties and other taxes and charges and shall facilitate their use in maritime traffic.

5.16 **Recommended Practice.** Public authorities should provide in their regulations, referred to in Standard 5.15, for the acceptance of a simple declaration to the effect that containers, and pallets and container equipment and accessories temporarily imported will

⁹² The WSC points that FAL 38/WP.4, paragraph 6.3. raises the possibility that the CG could further consider this Recommended Practice. WSC believes that with the amendment made at FAL 38, the paragraph appropriately addresses the inclusion of trade facilitating measures, e.g., AEO, and that no further amendments are needed.

⁹³ The point of stuffing a container is the logical place to inspect a container, if warranted. Inspection of a container after it has been sealed and await vessel loading is burdensome and slows down trade. It should be noted that the qualifier "on the basis of a valid request" provides sufficient discretion to public authorities regarding whether to inspect a container. [Source : World Shipping Council]

⁹⁴ The original text does not apply to the temporary storage functionality that is critically important to the liner shipping industry for goods that are to be transhipped. [Source : World Shipping Council]

⁹⁵ This amendment aims to provide specific guidance on how to terminate the transit procedure. It would not be reasonable to keep goods under the transit procedure preventing the goods from being loaded and exported, thus slowing down international trade. [Source : World Shipping Council]

⁹⁶ In conformance with both the Customs Container Convention and the Istanbul Convention. [Source : World Shipping Council]

Japan seeks clarification on the substantial reason for introducing this revision. This provision includes certain obligations stipulated in the Custom Container Convention and the Istanbul Convention which , like Japan, not all parties to the FAL Convention are parties. This revision is not appropriate from the perspective of facilitating acceptance of this provision as a whole. In addition, Japan has concerns about this revision because the cost of tracking the movements of equipment and accessories of containers is high compared with the benefit.

The Netherlands cannot support Japan in this.

be re-exported within the time-limit set by the State concerned. Such declaration may take the form of an oral declaration or any other act acceptable to the authorities.⁹⁷

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

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

D. Cargo not discharged at the port of intended destination

5.19 **Standard.** Where any cargo listed on the Cargo Declaration is not discharged at the port of intended destination, public authorities shall permit amendment of the Cargo Declaration and shall not impose penalties if satisfied that the cargo was not in fact loaded on the ship, or, if loaded, was [or is to be⁹⁸] landed at another port.⁹⁹

5.20 **Standard.** When, by error or for another valid reason, any cargo is discharged at a port other than the port of intended destination, public authorities shall facilitate re-loading or onward movement re-forwarding¹⁰⁰ to its intended destination. This provision does not apply to dangerous, prohibited or restricted cargo.

E. Limitation of shipowner's responsibilities

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

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

5.23 **Standard.** The shipowner shall be obliged to provide the information regarding the entry or exit of goods known to the shipowner at the time of lodging such data and as set out in the transport document that evidences the bill of lading. Thus, the shipowner can base

⁹⁷ See comment immediately above.

⁹⁸ The **World Shipping Council**: the Cargo Declaration cannot and should not be interpreted as entailing a requirement to actually discharge the goods listed in a particular port. As mentioned earlier, containerized goods are oftentimes sold in transit with a resulting change of port of discharge, and supply-demand changes may lead a shipper customer to request that its containerized shipments are to be discharged in another port than originally scheduled. As long as the Cargo Declaration (if applicable) is appropriately amended to reflect such entirely legitimate business decisions, there should be no sanctions in the form of penalties or otherwise, imposed on the shipowner. ALSO: To be further developed by the CG established after FAL 38 and taking into account the new proposal 2.18bis (amendments)]

⁹⁹ The **WSC** suggest that it may be appropriate here to refer to the new, general principle of allowing amendments (currently 2.18bis).

¹⁰⁰ Editorial clarification [Source : World Shipping Council].

the lodgement on data provided by the shipper customer, unless the shipowner has reason to believe that the data provided is untrue.¹⁰¹

5.24 Recommended Practice. Public authorities should implement regulations pursuant to which the person, who initiates and contractually agrees with a party (e.g. a consolidator, a freight forwarder or a shipowner) for the carriage of a maritime cargo shipment to the territory of another State, must provide complete and accurate cargo shipment information to that party.¹⁰²

5.25 Standard. The obligations and protections granted to the shipowner under this section shall equally be granted to his/her nominated agent in the port.^{103 104}

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

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

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

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

¹⁰¹ For sealed, stuffed containers, the shipowner unavoidably needs to rely on the shipping instructions, including the cargo description, provided by the shipper customer for submitting the various cargo declarations required by public authorities. Ocean carriers cannot visually inspect or ascertain the contents of sealed CTUs.

A party, such as an ocean carrier, can provide to public authorities the information that is known to it as part of its ordinary way of doing business. In maritime traffic, "known" means as set out in the transport document that is or evidences the bill of lading.

The above principles have been recognized and embraced by multiple jurisdictions; the suggested new Standard reflects, for example, the European Commission's publicly stated position. ("Guidelines on entry and summary in the context of Regulation (EC) No 648/2005" (pages 12-13) which can be accessed at: http://ec.europa.eu/ecip/documents/procedures/import_entry_guidelines_en.pdf) [Source : World Shipping Council]

¹⁰² The proposed new Recommended Practice is a logical extension of the principle that an ocean carrier can only provide the information "known" to it as evidenced by the bill of lading which, in turn, is based on the shipping instructions. It is also in conformance with, e.g. the European Commission's publicly stated position (see reference in the comment immediately above). [Source : World Shipping Council]

¹⁰³ **FONASBA** fully supports the provisions of section E, paragraphs 5.21 to 5.24 inclusive as amended. For the avoidance of doubt, however, and recognising both the role of the ship agent in the transmission of cargo data between the ship and the shore, and the convention of "as agents only", FONASBA proposes that reference be made to the agent in this section, either by the addition of the words "and/or (as appropriate) the ship agent" after each reference to "the shipowner" or by the addition of the new paragraph 5.25 or similar words.

The Netherlands makes a scrutiny reservation on this provision. The Netherlands are studying it and will come back on it in the next round.

Sweden has no objections on the insertion of the new standard but would, for consistency, like to change the word "his" to "his/her" or "the".

¹⁰⁴ **Sweden** has no objections on the insertion of the new standard but would, for consistency, like to change the word "his" to "his/her" or "the".

6.4 **Recommended Practice.** Public authorities should ~~whenever practicable~~ authorize granting of pratique ~~by radio~~ by electronic means¹⁰⁵ to a ship when, on the basis of information received from it prior to its arrival, the health authority for the intended port of arrival is of the opinion that its arrival will not result in the introduction or spread of a quarantinable disease. Health authorities should as far as practicable be allowed to join a ship prior to entry of the ship into port.

6.4.1 **Standard.** Public authorities shall seek the cooperation of shipowners to ensure compliance with any requirement that illness on a ship is to be reported promptly by ~~radio~~ electronic means¹⁰⁶ to health authorities for the port for which the ship is destined, in order to facilitate provision for the presence of any special medical personnel and equipment necessary for health procedures on arrival.

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

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

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

6.8 **Recommended Practice.** To ensure, *inter alia*, efficient maritime traffic¹⁰⁷ Public authorities should maintain at as many ports as feasible adequate facilities for the administration of public health, animal and agricultural quarantine measures.

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

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

6.11 **Recommended Practice.** Shipments of animals, animal raw materials, crude animal products, animal foodstuffs and quarantinable plant products should be permitted in specified circumstances when accompanied by a quarantine certificate in the form agreed by the States concerned.

Section 7 – Miscellaneous provisions

¹⁰⁵ To ensure standardization across the Annex, "granting of pratique by radio" should be changed to "pratique by electronic means", as in 3.20. [Source : Australia]

¹⁰⁶ Editorial change, consequence of the amendment to 6.4. [Source : World Shipping Council]

¹⁰⁷ Editorial clarification to underline the facilitatory nature of the Recommended Practice. [Source : World Shipping Council]

A. Bonds and other forms of security

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

B. Services at ports

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

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

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

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

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

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

C. Emergency assistance

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

- disaster relief work;
 - the rescue of persons in distress at sea in order to provide a place of safety for such persons;
-

- the combating or prevention of marine pollution; or
- other emergency operations designated to enhance maritime safety, the safety of life at sea, the safety of the population or the protection of the marine environment.

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

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

D. National facilitation committees

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

7.12 **Recommended Practice.** Each Contracting Government should establish a national maritime transport facilitation committee or a similar national coordinating body, for the encouragement of the adoption and implementation of facilitation measures, between governmental departments, agencies and other organizations concerned with, or responsible for, various aspects of international maritime traffic, as well as port authorities, port facilities and terminals¹⁰⁸ and shipowners.

Note: In establishing a national maritime transport facilitation committee or a similar national coordinating body, Contracting Governments are invited to take into account the guidelines set out in FAL.5/Circ.2.

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See discussion under 5.1 above. [Source : World Shipping Council]

“IMO GENERAL DECLARATION
(IMO FAL Form 1)

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

IMO PASSENGER LIST
(IMO FAL Form 6)

		<div style="display: flex; justify-content: space-around; width: 100%;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>		Arrival	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>	Departure	Page Number
Name of ship		1.2	IMO number	1.3	Call sign		
1.4 Voyage number		2. Port of arrival/departure	3. Date of arrival/departure	4. Flag State of ship			
		7. Date and place of birth	Identity or travel document	Number of identity or travel document	10. Port of embarkation	Port of disembarkation	
13. Date and signature by master, authorized agent or officer							

IMO DANGEROUS GOODS MANIFEST

(IMO FAL Form 7)

(As required by SOLAS 74, chapter VII, regulations 4.5 and 7-2.2, MARPOL 73/78, Annex III, regulation 4-3 4.2 ¹⁰⁹ and chapter 5.4, paragraph 5.4.3.1 of the IMDG Code)

Page Number

Name of ship			1.2 IMO number				1.3 Call sign						
Voyage number		2. Flag State of ship			3. Port of loading			4. Port of discharge					
5. Booking/ Reference Number <u>Stowage position</u>	6. Marks & Numbers Container Id. No(s). Vehicle Reg. No(s).	7. Number and kind of <u>outer</u> packages	8. Proper Shipping Name -UN number	9. <u>Class Proper Shipping Name</u>	10. UN No. <u>Class</u>	11. Packing Group	12. Subsidiary Risk(s) <i>[moved to block 10 as required]</i>	13. Flashpoint (in °C.c.c.) <u>Additional information</u>	14. Marine Pollutant <i>[Merge with column 12 & 13]</i>	15. Mass (kg) Gross/Net	16. EmS	17. Stowage position on board <u>Shipper</u>	18. <u>Receiver or LNG Title Holder</u> 110
Additional information													
18.1 Name of master						19.1 Shipping Agent							
18.2 Place and date						19.2 Place and date							
Signature of master						Signature of Agent							

109 **Coordinator** : renumbering in accordance with resolution MEPC.193(61)

110 **Coordinator** : The addition of a separate receiver column (18.) reflect the suggestion of Belgium to identify the HNS receiver in the FAM form 7. The other changes in the columns reflect the submission made by IVOGDA in FAL/38/4/1 and referred to DSC).

