

FACILITATION COMMITTEE (FAL 47),13 – 17 MARCH 2023

The forty-seventh session of the Facilitation Committee, held in hybrid format from 13 to 17 March 2023, was chaired by Mrs Marina Angsell (Sweden) for the final meeting of her 5-year term, assisted Mr Mohamed ALKaabi (United Arab Emirates). A new Chair was elected for 2024, namely Mr Watchara Chiemanukulkit (Thailand) whilst MR ALKaabi was re-elected as Vice-Chair. The session was attended by Member States and Associate Members; representatives from specialised agencies; observers from intergovernmental organisations with agreements of cooperation; and, observers from non-governmental organisations in consultative status. Three Working Groups (WG) were formed and chaired as follows:

WG1 Facilitation Instruments, Mr. F. Joret (France).

WG2 FAL MASS, Mr. C. McHardy (Marshall Islands).

WG3 Electronic Business, Mr. M Renz (Sweden).

WELCOMING ADDRESS BY THE IMO SECRETARY-GENERAL. Mr. Kitack Lim expressed pleasure in welcoming delegates to the 47th session of the Facilitation Committee. He reminded all, that following the devastating consequences of the earthquakes in Turkey and the Syrian Arab Republic, IMO has launched an Appeal for Funds (open until 27th March), which will be sent to the United Nations to support efforts in providing experts, emergency relief, food, medical supplies and other life-saving items.

Mr. Lim paid tribute to the late Mrs Mandana Mansoorian, the Alternate Permanent Representative of the Islamic Republic of Iran and Vice-Chair of the Technical Cooperation Committee, reminding delegates that a condolence book will remain open on the 4th floor of the building until the end of this FAL session.

He next made the point that this would be his last time in addressing FAL as Secretary-General after eight years at the helm of the Organisation and wished to use the opportunity to affirm that the maritime sector can help Member States to create conditions for increased employment, prosperity and stability through the promotion of global trade by sea, and the development of a sustainable blue economy. FAL has taken significant steps to accelerate digitalisation in maritime transport, making the electronic exchange of information and the establishment of maritime single windows in ports, mandatory.

On commencing his tenure as Secretary-General, Mr. Lim saw three main challenges with regard to facilitation matters: first, to meet once a year; second to focus more on the relationship between ships and ports; and third, to make the Facilitation Committee even more inclusive, all of which expectations he believed had been exceeded. During recent years, IMO has also strengthened cooperation with other UN agencies and international

organisations leading to technical cooperation activities assisting countries in the implementation of maritime single windows.

This year's World Maritime theme, "MARPOL at 50 – Our commitment goes on" provides an opportunity for the maritime community to highlight the relevance and importance of the MARPOL treaty now and into the future. In this regard, he highlighted the importance of a concerted effort to address the challenges emanating from the decarbonisation of shipping, including work to improve the efficiency of navigation; the just-in-time concept; the use of maritime single window to improve ship-port communications, also accelerated clearance processes; and, the reduction of dwell time of ships at ports.

The Secretary-General foresaw this being another intense session of the Committee, which is expected to adopt a new amendment to the FAL Convention. This will take into account the need to combat illicit activities in the national facilitation programmes of Governments and a start will be made to review the Explanatory Manual to the Convention, updating its contents to reflect the amendments adopted last year. A new version of the IMO Compendium on Facilitation and Electronic Business will also be finalised together with the guidelines for harmonised communication and electronic exchange of operational data for port calls.

Winding up his address, the Secretary-General informed delegates that there would be a side event during the session, a Symposium on "Addressing law enforcement challenges in the maritime supply chain to improve facilitation of international traffic", jointly organized by the Secretariat and INTERPORTPOLICE. He then concluded by wishing delegates a productive session.

DECISIONS OF OTHER IMO BODIES.

General. The Committee noted the information provided in document FAL 47/2 (Secretariat), in relation to the outcome of C 127, C 128, MEPC 78, MEPC 79, MSC 106, TC 72, NCSR 9 and III 8 on matters of relevance to its work and decided to consider the various issues which warranted action by the Committee under the relevant agenda items.

Ongoing military conflict between the Russian Federation and Ukraine and its effects on international shipping and seafarers. The Committee considered the information on the outcome of C 127, C 128, TC 72 and MSC 106 related to the military conflict between the Russian Federation and Ukraine.

The Committee, in considering the outcome of C 128, noted that the Council had:

- encouraged the Secretary-General to continue to work on humanitarian efforts to evacuate all stranded ships and seafarers in the conflict area, including efforts to expand the Black Sea Grain Initiative to other types of ships and additional ports;
- thanked the Secretary-General and the Secretariat for the important contribution to the success of the Black Sea Grain Initiative, which had been achieved through an

interagency "One UN approach" involving relevant UN bodies, other international agencies, NGOs and the Member States concerned; and,

- emphasised the important contribution that the Black Sea Grain Initiative, recognised by the UN Secretary-General as a landmark agreement to help vulnerable people in every corner of the world, was making to alleviate global food supply shortages resulting from the ongoing conflict in Ukraine.

In considering the outcome of TC 72, the Committee noted that the Technical Cooperation Committee had decided to suspend in principle the participation of the Russian Federation in any IMO technical cooperation activity either as a recipient or as a host until the Committee decided otherwise and will report accordingly to the next session of the Council for its consideration.

The Committee noted that MSC 106 had:

- encouraged the UN Secretary-General and IMO Secretary-General to continue to work on humanitarian efforts to evacuate all stranded ships and seafarers in the conflict area;
- thanked the Secretary-General and the Secretariat for the important contribution to the success of the Black Sea Grain Initiative;
- noted the success to date of the Black Sea Grain Initiative, which has been achieved through an interagency "One UN approach" involving relevant UN bodies, other international agencies, NGOs and the Member States concerned;
- emphasised the important contribution that the Black Sea Grain Initiative was making to alleviate global food supply shortages;
- recalled that the Black Sea Grain Initiative had been recognized by the UN Secretary-General as a landmark agreement to help vulnerable people in every corner of the world; and,
- adopted resolution MSC.519(106) on Member States' obligations in connection with search and rescue services under the SOLAS and SAR Conventions in the context of armed conflicts.

The Committee considered documents FAL 47/2/1 (Ukraine) on Impact of the Russian Federation's invasion of Ukraine on the freedom of navigation in the Black Sea, the Sea of Azov and the Kerch Strait, and FAL 47/2/2 (Russian Federation) commenting on document FAL 47/2/1, as well as information provided orally by Ukraine and the Russian Federation.

A great many views were expressed by a large number of Member States condemning the Russian Federation's unprovoked and unjustified war of aggression against Ukraine. These included statements made by the delegation of Australia, Canada, Finland, France, Georgia, Germany, Greece, Ireland, Italy, Japan, Poland, Portugal, Spain, Sweden, Türkiye, United Kingdom and the United States.

The intervention by Sweden speaking on behalf of the EU was also supported by Belgium, Cyprus, Denmark, Latvia, Malta, Netherlands, Norway, Republic of Korea, Romania, Slovenia and EC.

Notwithstanding a total lack of support by any delegation present, the delegation of the Russian Federation specifically requested that the following views be reflected in the report:

- the issues discussed were political in nature and should not be discussed by the Committee or the Organisation as they fall outside its remit;
- the reference of a blockade of ships in Ukrainian ports by the Russian Federation was incorrect as they are committed to ensure safe departure of all commercial ships and their crews stranded in the region. For this purpose, the Russian Federation has provided a special humanitarian corridor;
- the Black Sea Grain Initiative is part of a larger package and the Russian Federation called for all parts of the agreement to be fulfilled;
- the Russian border guards have never been involved in discriminatory actions. Any possible loss of time for ships in approaches to the Kerch Strait is due to the specific procedure for transiting through the Kerch-Yenikale Canal and complicated hydro-meteorological and navigational conditions in the area;
- the Kerch Strait did not have, and has never had, the legal status of an international passage; and,
- the Russian Federation had repeatedly informed IMO that the maritime safety of these waters was fully ensured by them and that they take their obligations under IMO instruments very seriously.

In the ensuing discussion, the Secretary-General, having stated that the military conflict which started on 22 February 2022 was extremely regrettable, expressed his deep appreciation and thanks to the relevant parties involved in the Black Sea Grain Initiative, in particular Türkiye. He also stated that the Organisation was extremely concerned about the safety and safe departure of ships stranded in various ports of Ukraine; that he had received correspondence from the Transport Ministries of the Russian Federation and Ukraine confirming safe passage for the stranded ships; but that, to ensure the safety of those ships and provide assurance to the insurance industry, he was awaiting an official response from the Foreign Ministries of the Russian Federation and Ukraine. He pointed out that the renewal of the Black Sea Grain Initiative on 18 March 2023 was essential, but subject to very delicate political and military negotiations; that the Organisation is a direct stakeholder in the matter due to its responsibility for international shipping and he remained very concerned about the impact of the conflict on shipping and in particular on innocent seafarers; that the relevant parties should make all efforts to resolve the situation; and, that he would redouble his own efforts to contribute to a solution acceptable to all involved.

Following consideration, the Committee:

- strongly condemned the Russian Federation's armed aggression against Ukraine that started in 2014 and took the form of a full-scale invasion on 24 February 2022, which is a violation of the territorial integrity and the sovereignty of a UN Member State, extending to its territorial waters, and inconsistent with the principles and purposes of IMO, as well as the 1965 Convention on Facilitation of International Maritime Traffic;

- expressed grave concern over the impact of the Russian Federation's war against Ukraine on the freedom of international navigation in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait, as well as the safety and wellbeing of seafarers and commercial vessels;
- expressed concern that the afore-mentioned armed invasion by the Russian Federation and its attacks against commercial vessels compromised the implementation of the FAL Convention in the maritime areas of the Black Sea, the Sea of Azov and the Kerch Strait, including through the harassment of seafarers;
- demanded that the Russian Federation immediately cease the use of force against Ukraine, withdraw all of its troops from Ukraine, and abide by its obligations under relevant international treaties and conventions, so as to ensure navigation rights and freedoms for vessels in the northern part of the Black Sea, the Sea of Azov and the Kerch Strait, in accordance with international law;
- noted that the launch of the Black Sea Grain Initiative in 2022, which was vital to managing global food prices and supply, also allowed a significant number of vessels blocked in Ukrainian ports by Russian armed forces to leave the area of hostilities, and demanded the Russian Federation not to impede its continued implementation;
- urged the parties of the Black Sea Grain Initiative to automatically renew it after 18 March 2023 and to expand its scope in terms of adding new types of cargo and ports in Mykolaiv and Kherson regions, to make possible the safe evacuation of other stranded ships and seafarers remaining in the Black Sea region;
- encouraged the Secretary-General, in collaboration with all involved parties, to redouble his efforts to ensure the departure of vessels blocked in Ukrainian ports in the Black Sea and the Sea of Azov, once the Russian Federation provides explicit non-attack guarantees, keeping Member States informed of developments; and,
- agreed to keep this matter under review and invite Member States concerned to provide relevant reports to the Committee.

CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE CONVENTION.

The Committee recalled that FAL 46 had approved draft amendments to Recommended Practice 7.11 regarding combating illicit activities, with a view to adoption at this session and that the proposed amendments had been circulated to all IMO Member States and Contracting Governments to the FAL Convention. A Working Group on Facilitation Instruments was established and instructed, taking into account relevant discussions and decisions in plenary, to finalise, with a view to its adoption, the text of the draft amendments to the annex to the FAL Convention, together with the associated draft FAL resolution.

Having received the report of the Working Group, the Committee, on Friday, 17 March 2023, unanimously adopted by FAL resolution, and in accordance with article VII(2)(a), amendments to the annex to the Convention.

Date of entry into force of the amendments. The Committee unanimously decided that the said amendments should enter into force on 1 January 2025, **unless**, prior to 1 October 2024, at least one-third of the Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments.

REVIEW AND UPDATE OF THE ANNEX TO THE FAL CONVENTION.

The Committee recalled that FAL 45, having approved the amendments to the annex to the Convention on Facilitation of International Maritime Traffic, 1965 (FAL Convention), had agreed not to include in the new version of the annex to the FAL Convention, those aspects related to the cargo declaration. FAL 45 had also approved a work plan for developing the relevant amendments regarding the cargo declaration and re-established the Correspondence Group on the Review and Update of the Annex of the FAL Convention to consider the issue of the cargo declaration further.

The Committee also recalled that FAL 46 had considered the subsequent report of the Correspondence Group in relation to the issue of the cargo declaration and took no decision as regards the cargo declaration since any future work on the matter would have to be discussed under a new output. The Committee further agreed that the proposal for a new output should take into consideration the following lessons learned and outstanding issues related to the cargo declaration:

- requirements of cargo declarations are implemented differently in different jurisdictions;
- the active involvement of the World Customs Organization (WCO) was considered necessary to determine the information that should go into a single declaration to meet the needs of customs authorities, preferably above the technical level of the Data Model Projects Team, given that policy decisions are involved;
- a single declaration/manifest for cargo needs to be established in order to avoid duplication, as coordinated between IMO and WCO with technical matters discussed in detail by the EGDH;
- although the majority of delegations favoured using the name "cargo manifest" for the revised declaration of cargo, the implications of such naming need to be further analysed, given that consensus has not been achieved on the matter; and,
- a "grand total list" of cargo information, compiled from the manifest and cargo declaration, advance security information, dangerous goods manifest, and, the declaration for cargo remaining on board, could be considered and developed, as appropriate.

The Committee, having recalled that FAL 46 had instructed the IMO Secretariat to consult with the WCO Secretariat on the way forward, so that the matter could be considered under a future new output, noted that both Secretariats have engaged, and instructed the IMO Secretariat to report back to the FAL Committee in due course.

REVIEW AND UPDATE OF THE EXPLANATORY MANUAL TO THE FAL CONVENTION.

The Committee recalled that FAL 43 had approved a new version of the Explanatory Manual to the FAL Convention, including amendments adopted by FAL 40 to the Convention annex. The Committee further recalled that FAL 46 had adopted by resolution FAL.14(46), amendments to the annex to the Convention on Facilitation of International Maritime Traffic, 1965 (the Convention), and agreed to bring the output "Review and update the Explanatory Manual to the FAL Convention" from the post-biennial agenda and include it in the agenda for FAL 46.

Instructions to the Working Group on Facilitation Instruments. The Committee instructed the Working Group on Facilitation Instruments, already established under an earlier agenda item, to review the Explanatory Manual to the FAL Convention; and consider if it is necessary to establish a correspondence group.

Consideration of the report of the Working Group. Having considered the report of the Working Group (FAL 47/WP.5), the Committee approved it in general and took action as indicated below:

- adopted the draft resolution on amendments to the annex to the FAL Convention;
- requested the Secretariat to issue a correction to recommended practice 2.3.4.1 of the certified copy of resolution FAL.14 (46);
- requested the Secretariat to consult with the Secretariats of WHO, UNHCR, WCO, WOH and IPPC for them to review the relevant provisions and invite drafting suggestions, for consideration by the Correspondence Group;
- noted the progress made by the Group in reviewing the Explanatory Manual to the FAL Convention; and,
- agreed the recommendation to establish a Correspondence Group on the Review of the Explanatory Manual to the FAL Convention with terms of reference prepared by the Group.

APPLICATION OF SINGLE WINDOW CONCEPT.

The Committee recalled that FAL 46 had approved a revised version of the *Guidelines for setting up a maritime single window* (MSW Guidelines) and that the application of the single window concept to ship reporting in the context of the FAL Convention would be mandatory as from January 2024. In the meanwhile, despite a GISIS module being made available to collect updated MSW information and other related single windows implemented by Member States, the Committee noted that eight countries only had ventured the information requested in the module. Member States were therefore encouraged to provide the necessary information requested in GISIS.

Update on initiatives to support the implementation of maritime single window systems. The Committee noted document FAL 47/6 (Secretariat) providing an update on the initiatives taken by the Secretariat to support Member States, including two events

organised by the Secretariat in partnership with IAPH and BIMCO to raise awareness of the deadline for implementation of the MSW and to share hands-on experience from Member States in the implementation process, namely a webinar in October 2022 and a symposium in January 2023; and, the development of an open access e-learning course on implementation of maritime single window, which is expected to be available by June 2023 on the IMO e-learning platform.

FAL resolution on the available resources relevant to the effective implementation of a maritime single window. The Committee considered document FAL 47/6/1 (Angola et al.) proposing a draft FAL resolution on the available resources relevant to the effective implementation of a maritime single window which would assist Contracting Governments to the FAL Convention in fulfilling their obligations to implement mandatory single window systems by 1 January 2024.

During the ensuing discussion, the following views were noted:

- the proposed resolution would act as a catalyst for Caribbean Contracting Governments to the FAL Convention;
- maritime single windows fosters the efficiency of port traffic once the required advance information on arriving/departing is reported to just one hub in electronic format, available to all stakeholders in the maritime domain;
- the maritime single window will allow effective delivery of requirements of the FAL Convention;
- the resolution should encourage national single windows which utilise the IMO Compendium on Facilitation and Electronic Business to ensure, as far as possible; harmonisation, interoperability and conformity of the different maritime single windows established worldwide;
- creating a collaborative platform with contributions from interested Member States and supervised by IMO to exchange information on the implementation of MSW, including electronic signature function and the JIT function;
- the information shared by Member States with lessons learned and the benefits of establishing MSW should be available in all working languages of the Organisation;
- digitalisation of shipping is beneficial for trade and development of harmonised systems is a key issue; and that,
- risks of using digitalised systems, in particular cyber risks in relation to the use of MSWs, should be considered.

The Committee agreed to develop a FAL resolution on the available resources relevant to the effective implementation of a maritime single window and to refer document FAL 47/6/1 (Angola et al) to the Working Group on Electronic Business in order to finalise the draft resolution on recommended actions to accelerate the implementation of maritime single window systems.

Proposal on amendments to the Guidelines for setting up a maritime single window. The Committee considered two documents submitted by China: FAL 47/6/3 proposing amendments to the MSW Guidelines to include in the single window system, a function to provide feedback on port logistics information to the shipping industry (e.g. masters and

ship agents), whilst also proposing that Member States be encouraged to reuse available data from the last port to reduce the ship's declaration. The other submission, FAL 47/INF.2 provided further details on the practice of reusing transit data via the single window. This function allows the business data, as well as the attachments for the last port declaration, to be directly reused for the declaration in the next port inbound.

Following discussion, the Committee supported, in general, the amendments proposed in document FAL 47/6/3, and agreed to refer both China documents to the Working Group on Electronic Business for detailed consideration and to prepare a revised version of circular FAL.5/Circ.42/Rev.2, if deemed appropriate.

Establishment of the Working Group on Electronic Business. The Committee established the Working Group on Electronic Business and instructed it to finalise the draft FAL resolution on recommended actions to accelerate the implementation of the maritime single window based on document FAL 47/6/1. Also, to consider documents FAL 47/6/3 and FAL 47/INF.2 and prepare a revised version of the Guidelines for setting up a maritime single window.

Report of the Working Group on Electronic Business. Having considered the relevant part of the Working Group's report, the Committee approved it in general and took action as follows:

- adopted the draft resolution on recommended actions to accelerate the implementation of the maritime single window; and,
- approved the proposed amendment to the Guidelines for setting up a maritime single window (FAL.5/Circ.42/Rev.3).

REVIEW AND REVISION OF THE IMO COMPENDIUM ON FACILITATION AND ELECTRONIC BUSINESS, INCLUDING ADDITIONAL E-BUSINESS SOLUTIONS.

Funding of the IMO Compendium on Facilitation and Electronic business. The Committee expressed deep appreciation to Germany and Finland for providing funds for 2023 to support the Project on the IMO Compendium and encouraged Member States and international organizations to provide funds for the period 2024-2026, in order to guarantee its sustainability. After this period, the IMO Compendium will be mature and the Committee would be in a good position to assess the benefits of the IMO Compendium and decide on the way forward in terms of the resources needed.

Reports of the Expert Group on Data Harmonisation (EGDH). The Committee recalled that FAL 45 had approved two meetings of EGDH in 2022, the first one held immediately after FAL 46, and the second in the latter half of 2022. FAL 46 had also approved an updated priority list of data sets to prioritise the work of the EGDH together with the same terms of reference as those given to the IMO Expert Group on Data Harmonisation. The Committee noted with appreciation the reports of EGDH and having considered document FAL 47/7 and the actions requested of the Committee, approved the reports of EGDH 6 and EGDH 7 in general, and in particular:

- noted the proposed extension of the IMO identification number scheme and concerns raised by EGDH 6;
- noted that the Group had informed the NCSR Sub-Committee about the proposed extension of IMO Ship Identification Number Scheme;
- noted the discussions on the sub-model approach for the extension of the IMO Compendium;
- noted the discussions on the Just-in-Time Arrival use case sub-model;
- noted the progress made and discussions regarding the IMO data set related to Verified Gross Mass;
- noted the discussions regarding the IMO data set related to "Container Inspection Programme";
- noted the Group's discussion on the urgency to include proper references to locations in the IMO Compendium to achieve MSW harmonisation and standardisation;
- urged Member States to use the IMO Compendium when implementing Single Windows to ensure harmonisation of MSWs;
- noted that the Group had informed the NCSR Sub-Committee about the ongoing work on locations;
- agreed to inform IHO relevant bodies about the work of the Committee on the IMO Compendium in order to raise interest and understanding of the intersection between the IMO reference data model and the S-100 product specifications;
- agreed to organise a meeting between IHO and IMO to discuss how to best map the relevant S-131 information to the IMO reference data model;
- added a standing agenda item to the EGDH provisional agenda to cover collaboration with IHO;
- agreed to inform the MSC Committee and NCSR Sub-Committee about the intention of EGDH to strengthen collaboration with IHO on the S-100 product specifications;
- agreed to review the priority list of data sets to facilitate the identification of further needs;
- agreed to increase communication regarding the Compendium to all committees and sub-committees and interested stakeholders, in particular to deliver presentations of new data sets in relevant IMO meetings;
- noted that sub-models will be created in the IMO reference data model to reduce its complexity and facilitate maintenance;
- noted that implementing the JIT concept had benefits in terms of efficiency and emissions reduction and should be encouraged as part of the digitalisation of the port call process, beyond administrative ship clearance;
- noted the implications on the IT systems and the impact study to be carried out to assess the implications of the proposed format extension of the IMO ship number beyond seven digits across stakeholders which will inform the decision-making process;
- noted the recommendation of the Group to update the explanatory text in the IMO Compendium regarding its purpose and use, and to clearly identify the data sets within the scope of the maritime single window; and,

- agreed to inform the HTW Sub-Committee about the work developed by FAL with the IMO Compendium and the development of the code list on crew ranks and ratings.

New version of the IMO Compendium on Facilitation and Electronic Business. The Committee noted that five data sets have been finalised and will be included in the new version of the Compendium:

- IMO data set related to Ballast water arrival reporting (FAL 47/7/1);
- IMO data set related to Waste delivery receipt (FAL 47/7/2);
- IMO data set related to Verified Gross Mass (VGM) (FAL 47/7/3);
- IMO data set related to Advance Passenger Information (API) (FAL 47/7/4);
- Just-In-Time arrival sub-model (FAL 47/7/5); and,
- Amendments to the IMO data set and IMO reference data model (FAL 47/7/6).

All of these documents, together with FAL 47/WP.8, were forwarded to the WG on Electronic Business for detailed review with the intention of approving a new version of the Compendium.

Report of the Working Group. The Committee approved the relevant part of the WG's report in general, and in particular:

- approved the new version of the IMO Compendium on Facilitation and Electronic Business with the new IMO data sets and IMO code lists;
- informed MEPC about the two IMO data sets on Waste delivery receipt and Ballast Water arrival reporting relevant to the Committee;
- approved the revised priority list of data sets; and,
- approved the terms of reference of EGDH for the next two meetings.

CONSIDERATION OF DESCRIPTIONS OF MARITIME SERVICES IN THE CONTEXT OF E-NAVIGATION

The Committee recalled that FAL 46 agreed to re-establish the Correspondence Group on the Development of Guidelines on Operational Port Data; and had instructed them to review the description of Maritime Service 4 (Port support service) using document FAL 44/8 as a basis, taking into account the amendments proposed in document FAL 46/8 (IHMA), as well as the development of the IMO Compendium and submit a revised version to FAL 47. The Committee noted with appreciation the report of the CG (FAL 47/9) and commended its coordinator, Mr G.Yeo (Singapore).

Report of the Working Group on Electronic Business. Having instructed the Working Group on Electronic Business (already established), to finalise the description of Maritime Service 4, the Committee approved the WG's description of Maritime Service 4.

DEVELOPMENT OF GUIDELINES FOR HARMONISED COMMUNICATION AND ELECTRONIC EXCHANGE OF OPERATIONAL DATA FOR PORT CALLS.

The Committee recalled that the Correspondence Group on the Development of Guidelines on Operational Port Data had been instructed by FAL 46 to continue developing guidelines for harmonised communication and electronic exchange of operational data for port calls with a view to finalising at FAL 47, taking into consideration the IMO Compendium on Facilitation and Electronic Business as necessary.

Following an expression of the Committee's appreciation concerning the report by the Correspondence Group (FAL 47/9), the delegation of UNECE expressed concerns that the use of GS1 Global Location Number (GLN) as the berth positioning reference in the maritime sector in the proposed guidelines being the only system included in the text, might adversely affect trade facilitation because this system is a proprietary and paid service. UNECE proposed to include also in the guidelines, the United Nations Code for Trade and Transport Locations, UN/LOCODE, an international standard to identify locations in a unique and unambiguous way, as another recommended option for the vessel-berth compatibility check.

Report of the Working Group. The Committee approved the Guidelines prepared by the WG for harmonised communication and electronic exchange of operational data for port calls and adopted the associated circular.

DEVELOPMENT OF GUIDELINES ON PORT COMMUNITY SYSTEMS.

The Committee recalled that FAL 46 agreed to include in the 2022-2023 biennial agenda, and the provisional agenda for FAL 47, an output on "Development of guidelines on port community systems". Document FAL 47/10 (Djibouti et al.) provided a draft structure for the guidelines on Port Community Systems and a correspondence group was established to finalise the guidelines for adoption by FAL 48.

In the ensuing discussion, the Committee noted, inter alia, the following views:

- the development of Port Community Systems (PCS) guidelines should not create a new standard system different to the maritime single window, and should be recommendatory and voluntary in nature;
- the PCS guidelines would be a complementary instrument to the maritime single window system, similar to other existing single windows, such as that of customs, and it could help to connect maritime single windows of different countries;
- the PCS guidelines should not cover aviation or other modes of transport;
- the definition of PCS in the guidelines should be in line with FAL.5/Circ.42/Rev.2;
- there is not a clear link between PCS and public port authorities; and,
- the development of the guidelines should be carried out by an existing WG, in order to encourage participation by developing countries and small delegations with limited human resources.

Report of the Working Group. Having considered the relevant part of the WG's report, the Committee agreed to establish the Correspondence Group on the Development of Guidelines on Port Community Systems and endorsed the Group's view that the PCS guidelines should complement the MSW guidelines and not stipulate any preference on the scope of the MSW since this may vary depending on the country's implementation.

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

Consideration and analysis of reports and information on stowaways. In terms of numbers of stowaways, the cases reported to the Organisation are set out in the following table:

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022
Number of incidents	61	28	55	63	47	55	54	50	64
Number of stowaways	120	80	163	157	182	138	55	96	131

The Committee noted that in 2022, 64 stowaway cases were reported to the Organisation, and the number of stowaways reported was 131. The total number of reports up to 31 December 2022 was 4,964, which involved 15,222 stowaways.

The Committee noted with appreciation the information provided by the International Group of P & I Clubs regarding their statistics on stowaway incidents, as below:

Data collection exercises analysed data	2007/2008	2011/2012	2014/2015	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Number of incidents	842	774	503	432	364	418	364	345
Number of stowaways	1,955	1,640	1,274	1,320	919	1,234	1,050	892
Total cost (\$ million)	14.3	15.3	9.3	9.5	8.0	7.8	8.9	5.9
Cost/incident (\$ thousand)	17.0	19.8	18.5	22.0	22.0	18.6	24.4	17.1
Cost/stowaway (\$ thousand)	7.3	9.3	7.3	6.7	8.7	6.3	8.4	6.6

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

The Committee noted that since the launch-date of the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS on 6 July 2015, only 34 incidents have been entered in the database. Having noted the low level of reporting of migrant incidents at sea and on suspected smugglers and vessels, as requested by the *Interim measures for combating unsafe practices associated with the trafficking, smuggling or transport of migrants by sea* (MSC.1/Circ.896/Rev.2), the Committee encouraged Member States to provide and update the information included in the appendix via the Inter-agency platform for information-sharing on migrant smuggling by sea in GISIS.

MEASURES TO ADDRESS MARITIME AUTONOMOUS SURFACE SHIPS (MASS) IN THE INSTRUMENTS UNDER THE PURVIEW OF THE FACILITATION COMMITTEE.

FAL 46 agreed to include a new output "Measures to address maritime autonomous surface ships (MASS) in the instruments under the purview of the Facilitation Committee" in the 2022-2023 biennial agenda of the FAL Committee and the provisional agenda for FAL 47.

The Committee recalled that MSC 105, LEG 109 and FAL 46 had all agreed to establish a Joint MSC-LEG-FAL Working Group on Maritime Autonomous Surface Ships (MASS-JWG) in order to address common high-priority issues identified by the respective regulatory scoping exercises for the use of MASS conducted by each Committee.

Report of the MSC-LEG-FAL Joint Working Group on Maritime Autonomous Surface Ships (MASS). The Committee, having considered document FAL 47/13 (Secretariat), with the report of the first meeting of the MSC-LEG-FAL Joint Working Group on Maritime Autonomous Surface Ships (MASS-JWG), held on 7 to 9 September 2022, noted the work done. The Committee further noted that the FAL Committee had been invited to:

- note that the Group had agreed to appoint two Chairs for the MASS-JWG so as to provide a balance between technical and legal perspectives;
- note that the Group had agreed to organise a seminar on legal issues, including UNCLOS, to be considered in the development of a MASS Code and MASS-related measures;
- note that the Group had agreed to use a table to identify and collect information on options for interpretation of the common issues in the instruments under the purview of the three Committees;
- note that the content of the table was not discussed or agreed and that Member States and international organisations were invited to submit documents to the next MASS-JWG meeting;
- endorse the work plan for the MASS-JWG;
- agree to the proposal to convene two sessions of the Joint MSC-LEG-FAL Working Group on MASS in 2023;
- agree to the proposal to convene a five-day meeting of MASS-JWG 2 in spring 2023 after LEG 110, but prior to MSC 107 and FAL 47, subject to approval by the Chairs of the MSC and LEG Committees and endorsement by the Council; and,
- agree that the MASS-JWG could meet before all three Committees had considered its report.

Work plan and future meetings of the MASS-JWG. Regarding the work plan and future meetings of the MASS-JWG, the Committee noted that MSC 106, in considering the report of the MASS-JWG, had endorsed the recommendations of the Group, and specifically agreed, subject to concurrent approval by LEG 110 and FAL 47:

- to holding a hybrid five-day meeting of the MASS-JWG from 17 to 21 April 2023;
- that the MASS-JWG could meet before all three Committees had considered its report(s), bearing in mind that the meeting dates of the three Committees, which advanced their work on MASS at different speeds, would have an impact on the work of the Group and the scheduling of its meetings; and,
- to authorise the MASS-JWG to meet twice in each calendar year until decided otherwise by the three Committees, subject to endorsement by C 129 which meets in July 2023.

Progress of the work on the MASS Code by MSC and LEG. In considering the work of MSC, the Committee noted that MSC 105 had agreed to develop a non-mandatory goal-based Code as a first step before proceeding to the development of a mandatory Code. The Committee further noted that MSC 106 had further developed such a draft, and:

- noted the approach to follow closely the *Generic guidelines for developing IMO goal-based standards* (Generic GBS Guidelines) when developing goals and functional requirements for the non-mandatory draft MASS Code, bearing in mind the agreement that it might not always be appropriate to use all steps of the formal safety assessment process beyond hazard identification but that other methods could be applied;
- noted difficulties in the work to develop functional requirements because of the lack of concept in what constitutes MASS, and agreed that the matter needed clarification in order for functional requirements to be developed in a consistent manner;
- noted that the work carried out at MSC 106 did not generate any input on common issues that would fall under the MASS-JWG; and,
- taking into account progress made at MSC 106, also approved the revised road map for developing a goal-based Code for MASS and agreed to revised terms of reference for the MASS Correspondence Group established at MSC 105.

The Committee also noted that there had not been any LEG Committee meetings between FAL 46 and FAL 47 but that the next meeting of the LEG Committee (LEG 110), would be held from 27 to 31 March 2023.

In the ensuing discussion, views were expressed that: seminars in MASS are useful; applicability of technological advancement on MASS operations is important; and, training and competencies to address human elements are necessary.

The delegation of Argentina, while expressing no objection to agreeing and endorsing the courses of action proposed, expressed the view that there is a need for compatibility with UNCLOS, already identified in the work of the Organization on MASS.

Argentina further expressed the view that there are some overarching legal challenges, such as whether ships that do not have a crew or a master (levels of autonomy 3 and 4) as required by UNCLOS, be taken as enjoying the freedoms at sea granted by UNCLOS, and other practical challenges, including definitions, such as master, which posed also practical questions. Finally, the delegation of Argentina expressed the view that IMO was not the competent forum to interpret UNCLOS, as this is a matter for the Meeting of States Parties to UNCLOS.

Further work to address maritime autonomous surface ships (MASS) in the instruments under the purview of the Facilitation Committee, including the proposal to develop a road map for work on MASS by the Facilitation Committee. The Committee recalled that the FAL Convention RSE had identified amending or interpreting the FAL Convention as the most appropriate way to address the majority of barriers identified vis-à-vis MASS operations, more specifically; on the information required on arrival and departure; a new kind of certification for remotely controlled operations; sharing of information, as well as arrangements and obligations concerning the solving of situations and pre-arrival information regarding persons rescued at sea; and, stowaways and/or refugees. The Committee further recalled that the conclusion of the FAL Convention RSE further recognized that MASS operations were taking place already notwithstanding the progress of IMO instruments in addressing MASS operations on international voyages.

The Committee considered document FAL 47/13/1 (United Arab Emirates) proposing to develop a road map on MASS issues in relation to the FAL Convention and further address MASS issues in relation to sharing information and connectivity across MASS ports and remote-control station/centres, and the need for its inclusion as part of common gaps within the MASS-JWG. During the ensuing discussion, the Committee noted the following views:

- both technology for operation of MASS and harmonisation between ship/shore are important;
- information sharing and connectivity among MASS, port authorities and remote control stations require careful consideration by the Committee, sharing it with the MASS-JWG;
- different levels of digitalisation in ports and remote control stations present challenges that need to be considered;
- electronic data exchange should include, but not be limited to, the arrival and departure of ships; and,
- the road map needs to consider the time required to clarify compatibility in the interpretation of UNCLOS and MASS operations and might require future adjustment.

Report of the Working Group on FAL MASS. Having considered the relevant part of the Working Group's report, the Committee took action as follows:

- endorsed the road map on addressing MASS issues related to the FAL Convention;
- noted the method used by the Group in addressing the amendments to the FAL Convention adopted by FAL 46 that are not covered by the FAL RSE, as approved by FAL 46;
- noted the conclusion of the Group that, in principle, only one amendment to the Annex to the FAL Convention would be required to address the issues related to MASS operations throughout the FAL Convention;
- invited comments on the amendment for consideration at the next session of FAL;
- noted the importance of the work of the MASS-JWG in considering the high-priority issues that cut across several IMO instruments, particularly on the meaning of the term "MASS";
- instructed the Secretariat to draw the attention of the MASS-JWG to the potential common gaps and themes identified; and,
- noted the Group's agreement that MASS-JWG should also take into account issues related to connectivity, cybersecurity and remotely controlled operations.

INTRODUCTION OF THE API/PNR CONCEPT IN MARITIME TRANSPORT.

The Committee, having noted that no documents had been submitted under this agenda item, agreed to consider the outcome of the discussions of EGDH 7 on API and PNR, referred to in document FAL 47/7. The Committee noted that EGDH 7 had finalised the API data set, duly submitted to FAL 47 for inclusion in the IMO Compendium, and had also made some observations for the consideration by the Committee.

Regarding the invitation of EGDH 7 to FAL 47 to consider if the API data set should include passenger and crew information all together or if they required different data sets, the Committee agreed that including the API data set as an independent data set based on the WCO proposal which included crew data was consistent with how data sets beyond the scope of the FAL Convention are included in the Compendium. In considering the impact of the proposed PNR data set on ship reporting taking into account that the data and the reporting party might be external and not related to the maritime sector, the Committee noted that since the EGDH has not yet finalised the draft PNR data set, it would not be included in the Compendium, and that amending with PNR data the requirements of the Convention regarding crew and passenger information in the FAL Convention also required a new output to be approved.

The Committee invited the WCO to keep the Committee informed of further developments regarding API and PNR concepts in a maritime context and requested the Secretariat to continue attending the meetings of the WCO Passenger Facilitation and Control Working Group (PFCWG), whilst encouraging Member States to consider attending the meetings.

TECHNICAL COOPERATION ACTIVITIES RELATED TO FACILITATION OF MARITIME TRAFFIC.

The Committee considered document FAL 47/16 (Secretariat), reporting on the status of activities relevant to the implementation of the FAL Convention, conducted under the ITCP in the period from December 2021 to December 2022, and noted the following activities:

- two national seminars in South Africa and the Democratic Republic of the Congo to promote accession to the FAL Convention;
- a national seminar on stowaways held in Cape Town, South Africa, from 27 to 29 June 2022;
- a needs assessment mission in May - June 2022 supporting Nigeria's efforts to develop a Port Community System (PCS) for its main ports;
- in the Latin American region, IMO conducted a new study in 2022 to assess the level of implementation of measures to facilitate international maritime transport and, in particular, digital solutions to the ship/port interface to facilitate clearance processes and port calls in Bolivia, Mexico, Cuba and Venezuela;
- with respect to the Maritime Single Window project of Fiji implemented with the World Bank, a joint IMO/WB team is expected to visit Fiji in May to present the Port "Logistics Gap Analysis" study; and,
- the Single Window for Facilitation of Trade (SWiFT) project, with the financial and technical support of Singapore, launched as a pilot project to implement a maritime single window system in medium-sized ports to establish an efficient digitalised system for electronic exchange of information in ports for ship clearance.

Proposed thematic priorities of the ITCP for the 2024/2025 biennium. The Committee, having agreed to consolidate two of the thematic priorities initially proposed, approved the selected thematic priorities for the ITCP for the 2024-2025 biennium, and requested the Secretariat to forward them to the Technical Cooperation Committee.

ANY OTHER BUSINESS.

Electronic certificates of seafarers. The Committee noted that MSC 106, having considered the draft guidelines on the use of electronic certificates of seafarers prepared by HTW 8, had sent back the draft guidelines to HTW 9 for further consideration and invited the FAL Committee to consider whether there might be any discrepancies between the two sets of guidelines on electronic certificates and to inform MSC 107 accordingly. The Committee further noted that HTW 9 had finalised the draft guidelines without further changes and submitted them to MSC 107 for approval. The Committee considered document FAL 47/21 (Secretariat) with information about the draft guidelines on the use of electronic certificates of seafarers finalised by HTW 9 and the request of MSC 106 to FAL 47 to consider whether there may be any discrepancies with the proposed guidelines. The Committee agreed to refer the draft guidelines on the use of electronic certificates of seafarers to the Working Group on Electronic Business for detailed consideration and advice to the Committee.

Consideration of the report of the Working Group. Having received the relevant part of the Working Group's report, the Committee:

- endorsed the outcome of the review of the draft guidelines on the use of electronic certificates for seafarers and undertook to inform MSC 107 accordingly;

- endorsed the proposal to develop a joint MSC-FAL circular on the use of electronic certificates, subject to the concurrent decision by MSC, and to inform other IMO committees; and,
- instructed the Secretariat to prepare draft text for the joint circular to be considered at FAL 48 and by MSC at a future session, subject to the concurrence of MSC.

COVID-19 related matters. The Committee noted that MSC 106 had:

- encouraged all Member States that had a maritime single window system to include the request for vaccine doses within this system in order to expedite the international maritime vaccination process;
- urged Member States and other key sectors of the global maritime industry to continue to promote policies and measures that facilitated priority access to vaccines for seafarers, as well as improving the coordination needed for more expeditious crew changes, complying with the health protocols of the region or country where they take place; and.
- in the context of the ongoing practice of denying seafarers medical assistance in ports, including dental and optical care, invited Member States to ensure that seafarers, as key workers, have the right to be treated with dignity and respect. This should take into account, the fact that they spend most of their time travelling and at sea with a greater degree of testing and regular medical checks than any other worker, and are only able to visit the shore for a short time; thus a human approach to their medical needs and treatments would not be out of place.

Illegal wildlife traffic. The Committee considered document FAL 47/21/1 (Kenya, Thailand and WWF), with a summary of the Maritime Stakeholder Workshop to Detect and Investigate Wildlife Trafficking in International Maritime Supply Chains, organised by Thailand on 6 and 7 December 2022. With a view to allowing further discussion on the Guidelines at the next meeting, the Committee agreed to extend the target completion year of output number 5.14, "Development of guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic" and to reinstate it on the agenda of the Committee.

Launches of ballistic missiles by the DPRK. The delegation of Japan, supported by Australia, Canada, France, Norway, Republic of Korea, Sweden, United Kingdom and United States, informed the Committee about ballistic missile launches by the Democratic People's Republic of Korea (DPRK). In response, the DPRK stated that the comments made did not reflect the reality of the Korean peninsula, which was technically at war. The delegation stated that its missile launches had not posed any harm to the safety of international shipping or to the security of neighbouring countries and regions. It also stated that the greatest regional threats to safety and security on Korean peninsula waters were posed by the United States, which had conducted various kinds of aggressive joint military drills with the Republic of Korea and others against the DPRK over tens of thousands times for 70 years. In a long peroration, the DPRK delegate finished by stating that its missile launches were the justified exercises of the right to self-defence in order to defend the destiny of the country and the life of their people and modernise its national defence capability which had controlled the aggressive war by the United States,

and others on the Korean Peninsula. The delegation also stated that IMO was not the forum for discussing political and military issues because it was beyond the mandate of the Organisation.

Introduction of digitalisation in the Strategic Plan of the Organisation. The observer delegation of BIMCO raised the importance of digitalisation and its inclusion in the strategic plan of the Organisation. BIMCO recalled the discussion at C 128 of a proposal by United Arab Emirates regarding possible amendments to the next strategic plan for the Organisation, in particular the proposal to include "digitalisation" becoming part of the strategic plan. BIMCO suggested that a specific IMO strategy on digitalisation should be developed for the Organisation. This new strategy would help to ensure consistency between the current challenges relating to MASS, maritime single window, e-navigation and many other digital initiatives, and would give a strong signal internally as well as externally by showing a clear direction of the priorities regarding digitalisation by the Organisation. The proposal was supported by the Bahamas, Denmark, Liberia, Norway, Singapore and the United Arab Emirates, and the Committee agreed to inform the Intersessional Working Group on the Strategic Plan (ISWG-SP), to be held from 2 to 5 May 2023, about the discussion. The Committee also invited interested Member States and international organisations to submit proposals for a new output to the next session on this issue.

DATE OF NEXT MEETING.

The next meeting of the Facilitation Committee (FAL 48) has been tentatively scheduled to take place during April 2024.

End

Captain Paddy McKnight