**FAL 43 REPORT – 8 – 12 APRIL 2019**

the forty-third session of the Facilitation Committee
 held at IMO Headquarters, 4 Albert Embankment, London SE1 7SR, from Monday, 8 April 2019 at 9.30 a.m. to Friday, 12 April 2019

The Committee was opened by the Secretary General who highlighted that:

* Costa Rica has acceded to the FAL Convention
* Shipping is the life blood of the World economy and its efficient running is important
* New provision on electronic exchange of information between Ship and Shore is coming into force and we need to ensure we can overcome the new challenges this brings
* Revision to FAL Convention and the Single Window system will be completed this session
* Review the requirement for a Regulatory Scoping Exercise on MASS in the FAL Committee
* The Full Presentation can be found at:

<http://www.imo.org/en/MediaCentre/SecretaryGeneral/Secretary-GeneralsSpeechesToMeetings/Pages/Default.aspx>

**The Committee was Chaired by Mrs Marina Angsell (Sweden).**

The Chair opened by stating that as Captain Moises de Gracia of Panama had resigned as Vice Chair and from the Panamanian Authority there was a need to elect a new Vice Chair. Panama nominated Ms Adisa Balausman of Nigeria, seconded by Marshal Isles, Italy and a number of others. Following normal custom this was agreed by acclamation.

1. **Adoption of the agenda**
	1. There will be 3 Working Groups at this session:
		1. WG1  Working Group on Electronic Business; Agenda Items 6, 7, 8 and 9. Represented by David Appleton (Nautilus Int)
		2. WG2  Working Group on Facilitation Instruments; Agenda Item 3 and 5; Represented by Captain Morten Kviem (NMOA), and
		3. WG3  Working Group on Other Facilitation Subjects; Agenda item 12
2. **Agenda item 2** - Decisions of other IMO bodies
	1. FAL 43/2 – Sec – Outcome of LEG 105, MSC 99, MSC 100, MEPC 72, MEPC 73, TC 68, C 120, C 121 and CCC 5
	2. FAL 43/2/1 – Sec – Outcome of NCSR 6
	3. The Committee will be informed of decisions relevant to its work programme since FAL 42 in April 2018, insofar as they are considered under other agenda items and will take action as appropriate.
	4. Nothing Significant for IFSMA
3. **Agenda item 3** – Consideration and adoption of proposed amendments to the Convention –
	1. No Papers submitted and nothing to report.
4. **Agenda Item 4** – Review and update of the Annex to the FAL Convention -(WG 2)
	1. FAL 43/4 – France – Report of the Correspondence Group
		1. Term of reference 10 of the TOR of the Group highlighted during the CG work that: several drafting improvements have been made. United States made a batch of propositions regarding section 3. The Group was divided on their benefits for facilitation. Those propositions included to amend standard 3.45 to make seafarers subject to the publics authorities' visa requirements for shore leave; This did not get support from the CG participants.
		2. Following introduction of the CG Report the Chair stated that the Report would go to the Working Group as is for further discussion of those issues where there was not a majority agreement. If TOR 10 above is brought up by the US in the WG, Captain Kviem will intervene to ensure this proposal is not brought up again. This was brought up by Norway during plenary as unacceptable practice and would not be supported. The Norwegian statement was supported by Sweden, Australia, Panama and all others who spoke with no required for IFSMA to intervene to support.
		3. The Chair summed up a long discussion that the use of the Single Window should be a standard, the function of the use of the 7 FAL forms should get further discussion at the WG. There was no support for any changes to Visa requirements for seaman for shore leave as requested by the US.
	2. FAL 43/4/1 – WHO – Proposed amendments to sections 1 and 2 of the FAL Convention
	3. FAL 43/4/2 – WHO – Proposed amendments to sections 3 of the FAL Convention
	4. FAL 43/4/3 - WHO – Proposed amendments to sections 6 and 7 of the FAL Convention
		1. The Chair opened the floor by stating that these 3 Proposals should be sent to the WG for consideration. There was nothing significant to report on these Papers and it was agreed that they should all go to the WG for consideration as they had not been part of the CG work.
5. **Agenda Item 5** - Review and update the Explanatory Manual to the FAL Convention – (WG 2)
	1. FAL 43/5 – Sec – Clean text of the Explanatory Manual agreed by FAL 42
	2. FAL 43/5/1 – Republic of Chile – Proposed amendments to the guidance in Standard 4.6.3 and Recommended Practice 6.3 of the Explanatory Manual to the FAL Convention
	3. FAL 43/5/2 – UNHCR – Comments on Standards 4.6.1 and 4.6.3
		1. Papers 43/5/1 and 5/2 deal with amendments to the Shipmasters Action on discovering a stowaway. It will cause debate and the UNHCR Paper 43/5/2 should be supported if necessary.
		2. IFSMA intervened on this issue with:

Chair, IFSMA would wish to be associated with the comments from ICS and would reaffirm that whilst the Shipmaster must understand the issue of Confidentiality and that it must be clearly laid down in the relevant conventions, however, the Shipmaster must not be put in a situation where the Shipmaster is asked to make decisions that are the responsibility of Governments to make.

The Chair summed, in the interests of time, that these Papers, and the comments made in Plennary were to be forwarded to the WG for further consideration and recommendations for the Committee. As Captain Kviem will attend on behalf of IFSMA he will put forward the views expressed above. His report on the WG is :

The most contentious issue raised was hidden in FAL 43/4, the correspondence group report. Basically, the US had proposed to require visas for seafarers shore leave. Already in plenary, it was clear that the proposal was without any support. The WG confirmed that.

The treatment of stowaways as described in “The Manual” was amended to clarify that stowaways declaring to be refugees or asylum seekers should be given some confidentiality. “The Manual” was also updated to be in line with International Health Regulations.

The most interesting part of the work was the update of the Annex to the FAL Convention. This work has a target completion date of 2021, so many questions are still left open. One major thing has already been agreed on; in the future the “default mode” will be electronic transmission of information, not paper forms and documents. Wherever the term “document” has been used, it will be replaced by “declaration”. There was also a rather radical proposal from the US to get rid of all the seven FAL documents/declarations, and replace it with a “Global List of Information”. When the floor was opened for discussion, there was a long silence. I took the chance on raising my card, and I expressed my thoughts that this was a very interesting proposal, and probably the right thing for the future, but maybe the maritime world is not quite ready for it right now. I proposed to keep the submission from the US in the future work, but it needed more consideration before it could be approved. This was supported in the group, even the US thought it was a good idea!

I think it is important that IFSMA is involved in this process with “the Annex”. It is the most important document with regards to the level of “administrative burdens” for the future.

I am planning to participate in the Norwegian reference group, as I have done in the past. It gives the Norwegian head of delegation credit domestically, and I think it is important to keep her on our side. So, I suggest I participate there, and not in the international group.

* + 1. **A full report of the Working Group can be found at FAL 43/WP.6**
1. **Agenda Item 6** –  Application of the Single Window Concept (WG 1)
	1. FAL 43/6/ – Sec - Collection of information and reporting: outcome of the review of the final report of the Ad Hoc Steering Group for Reducing Administrative Requirements (SG-RAR)
		1. This could be a useful Paper for our Members, particularly:
			1. the list of reporting obligations filtered for entities that are not IMO, Administrations or Contracting Governments, set out in annex 1; and
			2. the list of reporting obligations that burden the ship, master and crew, set out in annex 2.
		2. The Chair opened this topic by stating that this Paper will be referred to the WG for further advice and integration into the ongoing work of the WG.
	2. FAL 43/6/1 – Antigua and Barbuda and Norway – Development of a generic maritime single window system in Antigua and Barbuda: a Norwegian/Antigua and Barbuda project –
	3. FAL 43/Inf.5 – Norway – Technical description of the generic Maritime Single Window system developed in the Norwegian/Antigua and Barbuda Single Window Project – Maritime Single Window Project in A&B has been completed and established on 8 Apr 19, financed and facilitated by Norway under the TCC. No further action for these papers used as Info only.
	4. FAL 43/6/2 – Cameroon – Integrated single window system
	5. FAL 43/6/3 – Argentina – Implementation of an electronic system for the clearance of ships based on the single window concept
	6. FAL 43/Inf.4 – Republic of Korea – A Study on Standardization-based Data Model on Maritime Operations
	7. Useful to read the progress made in the Single Window Concept which is trying to reduce the Administrative Burden of the Shipmaster and Mariners. Implementation of Single windows in Norway/Antigua and Barbuda and Cameroon
	8. **A full and very detailed report of the Working Group can be found at FAL 43/WP.5.**
2. **Agenda Item 7** - Review and Revision of the IMO Compendium on Facilitation and Electronic Business (WG 1)
	1. FAL 43/7 – World Customs Organisation (WCO) - Update on the progress of discussions on the IMO Compendium on Facilitation and Electronic Business – This Paper to be sent to the WG for final amendment and finalisation.
	2. FAL 43/7/1 – Liberia, Marshall Isles and BIMCO – Proposal for amendments to the IMO Compendium on Facilitation and Electronic Business
	3. FAL 43/Inf.3 - Liberia, Marshall Isles and BIMCO – Proposal for amendments to the IMO Compendium on Facilitation and Electronic Business
	4. FAL 43/7/3 – Ukraine – List of data elements required during ship-shore interaction
	5. The Chair summed that the above papers should be forwarded to the WG for consideration. Nothing significant for IFSMA to report, depending on the outcome of the WG Discussions and Report
	6. FAL 43/7/2 – Sec – Proposal for amendments on the future maintenance and publication of the IMO Compendium
		1. It was agreed that the IMO should now become the responsible body for maintaining the Compendium, and no longer the WCO, and that this should be done in the form of an IMO Intersessional Experts’ Group. This decision will be forwarded to the WG to prepare some TOR for the Experts’ Group. The WCO should maintain control as at present until the IMO Secretariat is ready to take formal control.
	7. NCSR 6 invited the FAL Committee to consider the draft MSC circular, Paper FAL 43/2/1, on Initial descriptions of Maritime Services in the context of e-navigation the descriptions of Maritime Services 4 (Port Support Service) and 8 (Vessel shore reporting) and provide comments and advice on the best way forward. This issue will be considered by the WG to propose to the Committee what action should be taken by the Committee
3. **Agenda Item 8 –** Developing guidance for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window (WG 1)
	1. FAL 43/8 – ISO - Proposal for guidelines for authentication, integrity and confidentiality of content for the purpose of exchange of electronic information
	2. The Chair summed that this proposal should be sent to the WG for consideration, further develop the Guidelines and provide recommendations to the Committee. This issue should also be brought to the attention of the MSC.

1. **Agenda Item 9 –**Guidelines for setting up a Single Window System in Maritime Transport (WG 1)
	1. FAL 42/8 – Japan - Report of the Correspondence Group to Amend Guidelines for Setting up a Single Window System in Maritime Transport"
	2. FAL 43/Inf.2 – Japan – Supplement to the Report of the Correspondence Group to Amend the Guidelines for Setting up a Maritime Single Window
	3. A useful update on the work of the Correspondence Group but nothing significant for IFSMA although we should support the progress made in the SW Process. After introduction, there were few interventions. The Chair summed that these Papers would be forwarded to the WG for further work and refinement.
2. **Agenda Item 10** - Unsafe mixed migration by sea
	1. FAL 43/10 – Sec – Progress made with the Global Compact for Safe, Orderly and Regular Migration and the global compact on responsibility-sharing for refugees
	2. FAL 43/10/1 – Sec - Endorsement of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Responsibility-Sharing for Refugees
	3. Nothing Significant to report for IFSMA in any of the above documents although it is useful information.
	4. The Chair stated that MSC 100 looked at this document also and that discussion is included in the report of the Committee, MSC 100/20. The Global Compact, although not legally binding has been discussed and agreed by the UN General Assembly. The Chair highlighted last week’s hijacking of the Libyan Tanker off the coast of Libya and the subsequent rescue by the Maltese Authorities. The Committee was asked to note the information. The Maltese delegation stated that as this was currently subject to criminal proceedings it would not be appropriate to debate this any further.
	5. The Secretary General highlighted the paramount importance of the safety of the Merchant Ships.
3. **Agenda Item 11** – Development of Amendments to the Recommendations on the Establishment of National Facilitation Committees (FAL.5/Circ.2)- (WG 3) – IFSMA was not represented on this WG
	1. FAL 43/19/3 – Sec – National maritime facilitation committees and programmes. This Paper was also introduced during this Agenda Item as it is seen as the base reference Document.
	2. FAL 43/11 – Turkey – Proposal for amending FAL.5/Circ.2
	3. Nothing significant to report for IFSMA
4. **Agenda Item 12** - Development of Guidelines on Creating a Tool to Measure Domestic Implementation of the FAL Convention – (WG 3)
	1. FAL 43/12 – Republic of Chile – As above
	2. Nothing significant to report for IFSMA
5. **Agenda Item 13** – Consideration and analysis of reports and information on persons rescued at sea and stowaways
	1. FAL 43/13 – P&I Clubs – Formalities connected with the arrival, stay and departure of persons: stowaways International Group of P&I Clubs data on stowaway cases
		1. This document provides an analysis of claims data collated by the International Group of P&I Clubs on stowaway cases in the policy years commencing 20 February 2007, 2011, 2014 and 2017 respectively, in order to facilitate the discussions on stowaways in the FAL Committee
		2. Nothing significant to report for IFSMA, but interesting reading to see the cost of this to the Industry. The Secretary General, present for this Item, thanked the P&I Clubs for their support and the effort they put into helping IMO seminars around the world to raise awareness of the issue.
6. **Agenda Item 14 –** Technical Cooperation Activities Related to Facilitation of Maritime Traffic
	1. FAL 43/14 – Sec - Activities relevant to the FAL Convention
	2. FAL 43/14/1 – Sec – Thematic priorities for the Integrated Technical Cooperation Programme (ITCP) for the 2020-2021 biennium
	3. FAL 43/14/2 – Sec – Results of the national workshop on the maritime single window
	4. Nothing of interest to report for IFSMA.
7. **Agenda Item 15 -** Relations with other organizations
	1. FAL 43/15 – Sec – External relations: relations with non-governmental organizations Outcome of C 120 and C 121
	2. Nothing of interest for IFSMA.
8. **Agenda Item 16 –** Application of the Committee’s Procedures on Organisation and Method of Work
	1. No Papers submitted
9. **Agenda Item 17** – Work programme
	1. FAL 43/17 –– Liberia, Marshall Islands, Norway, United Kingdom, United States, Vanuatu, ICS, IAPH, BIMCO, ICHCA, IMPA, IFSMA, INTERTANKO, InterManager, IPTA, IHMA, IBIA, FONASBA, ITF and NI- Proposal for a new output regarding Maritime Corruption and the impact on global trade, port governance and seafarers
	2. This Paper on Maritime Anti-Corruption is Co-Sponsored by IFSMA as one of the key members of the Maritime Anti-Corruption Network Cross Industry Working Group and will be supported in Plenary.
	3. The Chair opened this to the floor and referred to the assessment that was made by the Chair in Working Paper 2 which assessed this Paper as valid as a new output. The Paper was introduced for us by Marshall Islands and a full supporting statement was made by the UK. Sweden stated that this would be a good start on this issue and fully supports the proposals. There was wide support for this proposal including from Panama, France, Greece, Vanuatu and many others. Interestingly the only delegation that spoke against this proposal was Australia who believed this is best left to the United Nations as part of UNCAC and not at the IMO.
	4. IFSMA made a statement as follows:

Thank you Chair, IFSMA as a co-sponsor thanks the distinguished delegation of Marshal Islands for their introduction of this important proposal for IMO’s consideration and involvement in addressing maritime corruption. Shipmasters and Mariners are very much on the frontline for intimidation and are often the first point of contact of corruption in the Maritime Industry; this can have a profound impact on their health and wellbeing. IFSMA is therefore very gratified and pleased to hear the support this proposal has received and agrees strongly with the intervention made by the distinguished delegate of Vanuatu, ICS and others, also believes that by amending the Annex to the FAL Convention and producing IMO Guidelines or a Code of Best Practice this would align IMO regulations and the Maritime Industry with the United Nations Convention against Corruption (UNCAC). Thank you Chair

* 1. Following the IFSMA statement, many other Delegations continued to provide support. The Chair summed that this Proposal will be included as a New Output, subject to agreement by Council, on Guidance or Code of Best Practice in Maritime Anti-Corruption, to include TCC and asked the Secretariat to work with UNODC to get more information.
	2. The Chair then proceeded with FAL 43/19. See Agenda Item 19.a below.
1. **Agenda Item 18 -** Election of Chairman
	1. Mrs Marina Angsell (Sweden), current Chair, was proposed by the Russian Federation and seconded by Chile and supported by Bangladesh. She was and elected by acclamation. The Vice Chair, Ms Adisa Balausman of Nigeria, was nominated by Malaysia, seconded by the Netherlands, supported by the United Arab Emirates and elected by acclamation.
2. **Agenda Item 19 -** Any other business
	1. FAL 43/19 – Sec – Maritime corruption and the impact on global trade, port governance and seafarers – This Paper is of interest to Agenda Item 17 – will cause an interesting debate in Plenary. The Sec introduced the Paper and informed how GSIS could be used as follows:
	2. Regarding the possibility of developing a new module in GISIS for reporting incidents of maritime corruption, such a module could be developed if the Committee so wishes. However, before proceeding with such a development, several important, fundamental questions would need to be resolved, such as:.
		1. Who would be authorized to make a report? Member States, NGOs in consultative status, industry, private persons? .
		2. What would be the process for forwarding the initial report to the affected Member State? This might have resource implications if the Secretariat were required to forward such cases.
		3. What would be the reconciliation process for disputed claims and how would they be resolved? How would Member States and reporting entities designate persons to resolve disputed reports? What would be the process for reporting final resolution, if any.
		4. What, if any, statistical data would be compiled, should/how would they be anonymized, and what are the resource implications for the Secretariat for the compilation and distribution of such data?
	3. The experience of IMO and ILO in the development and maintenance of the Joint IMO/ILO Database on Abandoned Seafarers may be instructive in this regard. Documents LEG 105/4 and LEG 105/4/1 illustrate how that database is constructed, monitored and maintained, and how cases are resolved.
	4. ICS stated that perhaps use of MACN Data which is publicly available and consists of over 28,000 reports of corruption around the World.
	5. The Chair stated that this might be best left until discussions start at the beginning of the work on the new output. Vanuatu stated that GSIS could be used but the data should remain anonymous and used through the help of TCC. They also called for the Legal Committee to provide the legal status of how IMO could use this data, see sub Para b.ii, iii and iv above.
	6. The Chair stated that this should be debated at the next session of the Committee.
	7. FAL 43/19/1 – Sec – Need for training material for the safe and efficient transport of radioactive materials - Nothing of interest for IFSMA.
	8. FAL 43/19/2 – Sec - Progress on the regulatory scoping exercise for the use of maritime autonomous surface ships (MASS)-
		1. Following a brief update on the progress of the RSE on MASS, Finland proposed that the FAL Committee should undertake a RSE on MASS on the FAL Convention. This was supported unanimously.
		2. The Chair summed that the committee agreed that there should be a new output and the same framework as MSC should be used. The timeframe should be shortened and instructed the Secretariat to write a Working Paper for the Committee to agree to on Friday’s Plenary. FAL 43/WP.2 was produced by the Secretariat. Finland volunteered to undertake the initial RSE and produce the work for delegates.
	9. FAL 43/19/3 – Sec – National maritime facilitation committees and programmes - Nothing of interest for IFSMA.
	10. FAL 43/19/4 – Sec – The Russian Federation's interference with navigation in the Kerch Strait and the Sea of Azov
	11. FAL 43/19/5 – Russian Federation – Comments on FAL 43/19/5.
	12. Nothing significant to report for IFSMA in the above 2 Political Statement. The Committee noted the inform.