Report of FAL 44[1]

44th Session of Facilitation Committee
28th September – 02nd October 2020
International Maritime Organization (IMO), Virtual meeting

ITF delegation
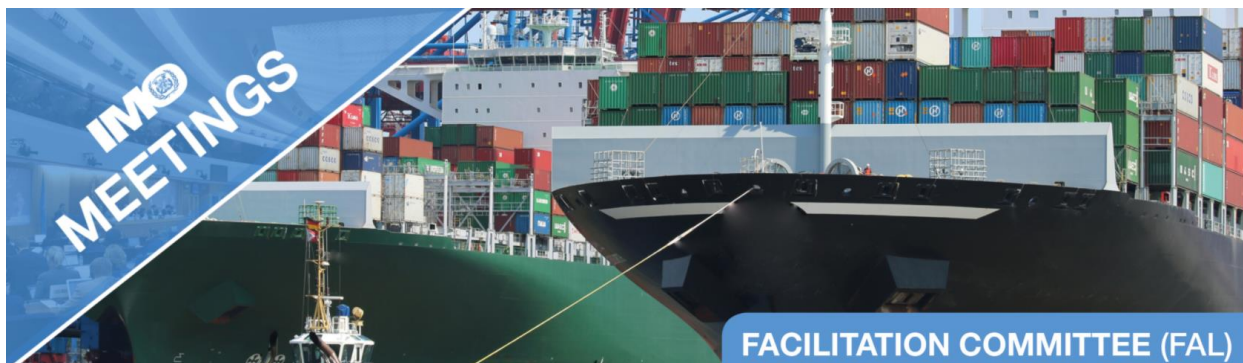ITF Head delegation - Branko Berlan
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Background

Facilitation of smooth and timely communications and accurate information exchange amongst ships and ports are essential when a ship enters and leaves a port, also critical to safety and security of those on-board as well as to the marine environment. Facilitation Committee endeavours to facilitate international maritime traffic by reducing administrative burden both shore and aboard. The advanced information and communication technology (ICT) has been drawing more and more attention of various stakeholders in maritime. Consequently, the role of maritime workers in the communication loop becomes crucial and the expectation put on their capability of dealing with such advancement is increasing.

Moreover, when a ship is berthing or leaving a port and navigating at sea, myriads interactions occur amongst government -flag Administration, port Authority or relevant agency – and industry –Seafarers, Company, Agents, etc. These interactions become also crucial under search and rescue operations of migrants because such operation requires port clearance and diplomatic intervention in various nations involved.

Undoubtedly, the totality of such interactions should be benefited from realistic operational protocols, secure digitalisation and robust regulatory standards.

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[1] Due to the outbreak of Covid-19, this session was convened virtually. Outcome of this session only contains those that were discussed. The other agenda has been deferred to the FAL 45.

Outcome of the meeting and further work

Agenda item 4 Review and update of the annex of the FAL Convention

1. Due to the outbreak of novel Covid-19, the Committee could not approve proposed amendments to the annex to the FAL Convention[2]. The Committee agreed to re-establish the Correspondence Group on *Review and update of the annex of the FAL Convention* and instructed the Group to continue its work on following issues in 2021:

> - definition of "authenticate" in relation to signature;
> - effectiveness of FAL form 2, in the view of the use of the manifest and the requirement of the pre-arrival and pre-departure information. The Group will review whether form 2 should be obsolete;
> - further development of Recommended Practice 3.10[3];
> - consideration on how to address recommendations to reduce incidents involved stowaways in the annex to the FAL Convention;
> - identifying what Recommended Practices require paper-environment; and
> - amendments to the annex of the FAL Convention to ensure facilitation of maritime traffic during a public health emergency of international concern, like Covid-19 pandemic.

Agenda item 6 Review and revision of the IMO Compendium on Facilitation and Electronic Business, including additional e-business solutions

2. Working Group on Electronic Business was established and considered relevant matters under this agenda. Refer to e-IMO Compendium[4] available *https://svn.gefeg.com/svn/IMO-Compendium/Current/index.htm*.

3. The Committee acknowledged the partnership amongst IMO, World Customs Organization (WCO), United Nations Economic Commission for Europe (UNECE) and International Organization for Standardization (ISO) in order to maintain the IMO Reference Data Model (entered into force 15 March 2020).

4. The establishment of Correspondence Group on *developing guidelines on electronic signature system and operational port data for the purpose of digital information exchange* was agreed. The Group is expected to:

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[2] Convention on Facilitation of International Maritime Traffic (FAL Convention) requires a ship and a port to exchange necessary information before, during and after its arrival and leave. Documentation needed are the cargo declaration, dangerous goods declaration, crew manifests, vessel details, etc. Crew manifests includes immigration clearance for crew and their baggage. FAL Convention is not only about government's administrative work, it is about everyone involved in shipping.
As for April 2019, the Convention mandates Electronic Data Interchange (EDI). Thus, digitisation and digitalisation have been one of the FAL Committee's priority tasks.

[3] Draft Recommended Practice 3.10 is about the official documents of identity for a seafarer in lieu of a passport, as a basic document providing public authorities with information on arrival or departure of a ship.

[4] A technical manual for software developers and provides harmonised date elements required according to FAL Convention.

- develop guidelines on authentication, integrity and confidentiality of information exchanges to maritime single windows and related services;
- draft FAL circulars on revisions of the IMO Compendium; and
- advise the Committee to report to the Sub-committee on Navigation, Communication and Search and Rescue (NCSR) and further Maritime Safety Committee (MSC) regarding e-Navigation and Maritime Services related matters.

5. IMO became the domain manager of a Maritime Resources Name (MRN).

6. A code list on "Transfer of personnel" in the IMO Compendium will be reviewed and managed by UNECE. As an official declaration, IMO will submit Data Management Requests (DMR).

7. The Committee approved prioritised list of data sets including the amendment in Section 1 of IMO Compendium adding datasets beyond the scope of the FAL Convention if needed. Besides, *port State control inspection history data, the notice of hazardous condition* and *audits and surveys* were included in the priority list.

8. The Committee agreed to convene the Expert Group on Data Harmonisation. The Group will further consider, as for the interests of the ITF:

- inclusion of draught, (Maximum) beam width and air draught under "ship at arrival" in the IMO Compendium;
- silence clearance of ships in relation to acknowledgement of receipt since the operational domain is not always covered by administrative systems;
- provision of sequence diagrams for software developers; and
- amendments of the electronic crew lists – *Crewmember rank or rating (IMO 0043)* – to cover different ship types and update terms of crew used in the current version.

Agenda item 7 Developing guidance for authentication, integrity and confidentiality of content for the purpose of exchange via maritime single window

9. The Correspondence Group on *developing guidelines on electronic signature system and operational port data for the purpose of digital information exchange* was agreed to consider development of Guidelines on *harmonized communication and electronic exchange of operational data for port calls.*

The Group is expected to integrate existing and emerging systems and promote interoperability of single windows and trade platforms when developing a table of contents of the draft.

Agenda item 13 Guidance to address maritime corruption

10. In response to plenary discussion on creating IMO Database to share information on maritime corruption and bribery, the Secretariat provided comprehensive advice on the issues of maintaining a data base with information that may damage the reputations of individuals, companies or countries with potential legal liability. With careful drafting these problems may be mitigated.

11. A Correspondence Group on *Guidance to Address Maritime Corruption* was agreed to be established to develop draft *IMO Guidance to implement and embrace anti-bribery and anti-corruption practices and procedures* (target completion year; 2022).

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[5] The resolution expresses deep concern about the significant challenges being faced by the global shipping community to effect crew changes and repatriation of seafarers as a result of the COVID-19 pandemic, recognizing the crucial role of seafarers in supplying vital goods.

Agenda item 18 Work programme

Inclusion of facilitation in the scope of IMSAS

12. Noting the profound interaction between ship and port as well as the compelling needs for effective implementation of FAL Convention, the Committed agreed to consider under an existing output *Analysis of possible means of auditing compliance with the Convention on Facilitation of International Maritime Traffic*. Due to the differences between the FAL Convention and the mandatory IMO instruments already included in the scope of IMO Member State Audit Scheme (IMSAS), further work will be focused on how to integrate the FAL Convention audit to the existing Scheme i.e. what parts to be included in audit, variety of implementation strategies and many national agencies involved. The Joint Working Group on IMSAS could be invited to cooperate.

New output 1: Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic

13. The Committee agreed to the new output on *Development of guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic,* taking into account the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention).

New output 2: Guidelines for harmonized communication and electronic exchange of operational data for port calls

14. As of April 2019, the FAL Convention mandated that public authorities to complete the establishment of electronic systems to assist ship clearance processes. Thus, it is urgent to develop Guidelines for the interface of new systems to ensure uniformity internationally.

15. The Committee agreed to the new output, *development of guidelines for harmonized communication and electronic exchange of operational data for port calls*. The Correspondence Group on *developing guidelines on electronic signature system and operational port data for the purpose of digital information exchange* (see paragraph 8 of this document) will also consider a content of table for further work. The ITF will participate.

Agenda item 20 Any other business (only related to the COVID-19 pandemic)

16. In September 2020, the 2nd Extraordinary Session of Maritime Safety Committee (MSC/ES2) adopted the MSC resolution.473(ES.2) *Recommended Action to Facilitate Ship Crew Change, Access to Medical Care and Seafarer Travel During the Covid-19 Pandemic[5]*. The FAL Committee noted this and discussed further avenue for the Committee to rectify such calamity.

17. Amid novel Covid-19 pandemic, the maritime industry has been experiencing a great deal of difficulties to ensure smooth world trade. The Committee, taking this as lesson learned opportunity, instructed the Correspondence Group on *the Review and Update of the Annex to the FAL Convention* to consider suggestions for possible amendments to the annex of the FAL Convention to ensure the facilitation of maritime traffic during a public health emergency of international concern. The ITF will participate in the Group to address the pandemic related difficulties that seafarers and their families have had.

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Action point

The meeting commenced with a heroic action taken by crew of Maersk Etienne on 5th August 2020. 17 individuals were rescued on board. Crew acted according to their legal and humanitarian obligations required by regulation SOLAS V.33.6. However, the ship was denied disembarking rescued persons at close counties for over a month. The ITF has recently co-submitted to the European Union in calling on governments prompt action and collaboration.

Ships and ports are inseparable. Not with surprise, all components of shipping from issuance of a Bill of Lading to a seafarer's repatriation to his/her home are indispensable for one another. The outbreak of noble coronavirus pandemic showed the world how close cooperation is essential to ensure the world trade. Recognising the benefit of advanced information and communication technology, the Facilitation Committee stressed urgent improvement on electronic information exchange environment.

The ITF and its affiliated unions are encouraged to:

- Follow the progress on maritime digitalisation, thus maritime workers' awareness is urgent;
- Note that the change is already happening and the purpose is to reduce administrative burden for both onboard and ashore;
- Note that necessary training will be needed supported by employers;
- Raise awareness amongst members that we must react swift during the transition process by adapting necessary learning curve;
- Note that measures will be developed to enhance cyber security and protection of individual data;
- Communicate with the ITF Secretariat to inform any ramification you have experienced that may be advantages or disadvantages to maritime workers; and
- Exert political pressure on national legislative and administrative authorities to recognise proper support maritime workers enquire.

*Aforementioned IMO documents can be provided if requested.