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International Convention on the Harmonization of Frontier

Controls of Goods (Harmonization Convention, 1982):

Proposal on a new Annex 10 on sea ports

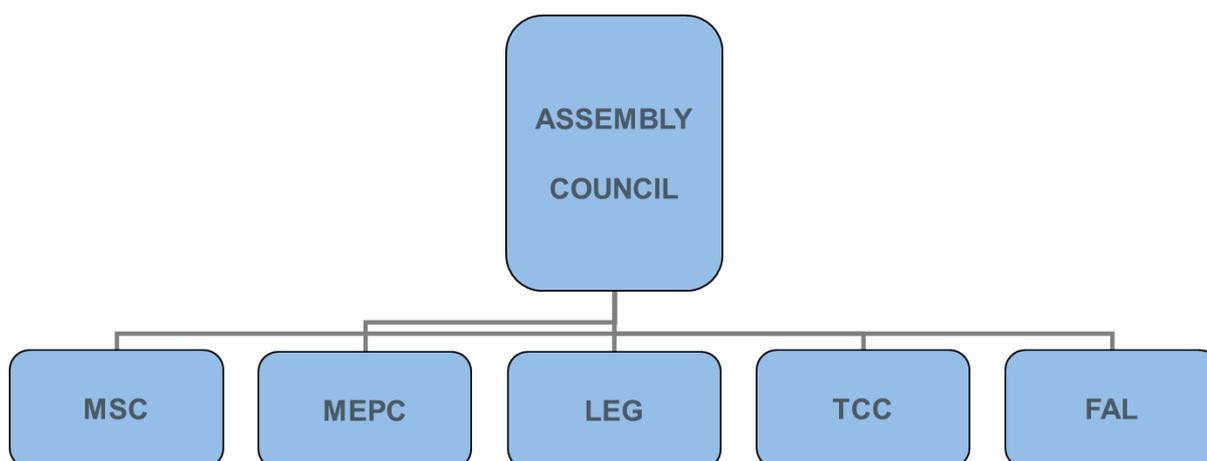
Proposal on a new Annex 10 on sea ports

Transmitted by the International Maritime Organization

The International Maritime Organization’s responsibilities for the facilitation of international maritime transport¹: Convention on Facilitation of International Maritime Traffic (FAL), FAL related non-mandatory instruments, and the International Ship and Port Facility Security (ISPS) Code

1. International shipping transports more than 80 per cent of global trade to peoples and communities all over the world. Shipping is the most efficient and cost-effective method of international transportation for most goods; it provides a dependable, low-cost means of transporting goods globally, facilitating commerce and helping to create prosperity among nations and peoples.

2. IMO is the United Nations specialized agency responsible for safe, secure and efficient shipping and the prevention of pollution from ships. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented. It was established at a conference held by the United Nations in 1948 by adopting a convention establishing IMO as the first ever international body devoted exclusively to maritime matters. Its premises is located in London, United Kingdom. IMO is a technical organization and most of its work is carried out in a number of committees and sub-committees. The world relies on a safe, secure and efficient international shipping industry – and this is provided by the regulatory framework developed and maintained by IMO.



3. Shipping is an essential component of any programme for future sustainable economic growth. Through IMO, its Member States, civil society and the shipping industry are already working together to ensure a continued and strengthened contribution towards a green economy and growth in a sustainable manner. The promotion of sustainable shipping and sustainable maritime development is one of the major priorities of IMO.

4. The Facilitation Committee, one of IMO’s committees, was established as a subsidiary body of the Council in May 1972, and became fully institutionalized in December 2008 as a result of an amendment to the IMO Convention. It deals with IMO’s work in eliminating unnecessary formalities and “red tape” in international shipping by implementing all aspects of the FAL Convention and any matter within the scope of the Organization concerned with the facilitation of international maritime traffic. In particular in recent years the Committee's work has been to ensure that the right balance is struck between maritime security and the facilitation of international maritime trade. The

¹ More information in <http://www.imo.org/en/OurWork/Facilitation/Pages/Home.aspx>

Committee meets annually, and Non-Governmental Organizations (NGOs) and International Governmental Organizations (IGOs), including the United Nations Economic Commission for Europe (UNECE), also participate in the sessions of the FAL Committee.

5. The FAL Convention, an IMO instrument to regulate and streamline the procedures in the international maritime trade, was adopted by the International Conference on Facilitation of Maritime Travel and Transport on 9 April 1965. It entered into force on 5 March 1967.

6. The purpose of the FAL Convention is to facilitate maritime transport by simplifying and minimizing the formalities, documentary requirements and procedures associated with the arrival, stay and departure of ships engaged on international voyages. It was originally developed to meet growing international concern about excessive documents required for merchant shipping. Traditionally, large numbers of documents are required by customs, immigration, health and other public authorities pertaining to the ship, its crew and passengers, baggage, cargo and mail. Unnecessary paperwork is a problem in most industries, but the potential for red tape is probably greater in shipping than in other industries, because of its international nature and the traditional acceptance of formalities and procedures.

7. The FAL Convention emphasizes the importance of facilitating maritime traffic and demonstrates why authorities and operators concerned with documents should adopt the standardized documentation system developed by IMO and recommended for world-wide use. Contracting Parties to the Convention undertake to bring about uniformity and simplicity in the facilitation of international maritime traffic.

8. The Annex to the FAL Convention contains rules for simplifying formalities, documentary requirements and procedures on the arrival, stay and departure of ships and, in particular, it reduces to nine currently the number of declarations which can be required by public authorities. These are the General Declaration, Cargo Declaration, Ship's Stores Declaration, Crew's Effects Declaration, Crew List, Dangerous Goods Manifest and Passenger List, as well as two other documents that are required under the Universal Postal Convention and the International Health Regulations. 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 FAL Convention. There are 5 regional offices (Côte d'Ivoire, Ghana, Kenya, the Philippines and Trinidad and Tobago). There are 171 Member States plus 3 Associate Members in IMO, and 140 observer organizations (64 IGOs and 76 NGOs) work with IMO.

9. As a further aid to compliance, the Annex to this Convention contains 'Standards' and 'Recommended Practices' on formalities, documentary requirements and procedures which should be applied on arrival, during their stay, and on departure to the ships, their crews, passengers, baggage and cargo.

10. For effective and efficient implementation purposes, IMO approved an Explanatory Manual that contains guidance and interpretation of the provisions of the Annex to the FAL Convention, assists in interpreting the legal text of the provisions and provides for a greater understanding of the FAL Convention.

11. The FAL Convention encourages the use of modern information and communication technology and, in particular, electronic exchange of information, including Electronic Data Interchange (EDI), to transmit information related to maritime transport. In order to achieve this objective, the information contained in the standardized forms contained in the FAL Convention (FAL Forms) have been formatted using the appropriate standard codes found in the directories of the United Nations/Electronic Data Interchange for Administrations, Commerce and Transport (UN/EDIFACT). Its principal focus is to facilitate national and international maritime transactions through the simplification and harmonization of

processes of electronic business, procedures and information flows, thereby contributing to the growth of electronic exchange of information in maritime transport.

12. The obligation of public authorities to establish mandatory electronic data exchange of information will become effective on 8 April 2019.

13. IMO has approved other FAL related non-mandatory instruments, e.g. Guidelines for the use of electronic certificates, Revised IMO Compendium on facilitation and electronic business, Guidelines on measures toward enhancing maritime trade recovery related to the global supply chain system and maritime conveyances, Guidelines for setting up a single window system in maritime transport, Revised guidelines on the prevention of access by stowaways and the allocation of responsibilities to seek the successful resolution of stowaway cases, Interim measures for combating unsafe practices associated with the trafficking or transport of migrants by sea, etc. IMO also focuses on taking appropriate measures to prevent the carriage of such products or breach any law on board ships that might lead to seafarers being delayed for legal proceedings and their ships being delayed.

14. Future work of the Committee will be focused on the IMO prototype of maritime single window, harmonization and standardization of data reporting formats, update of the Explanatory Manual, sharing best practices in port activities

15. The implementation of the IMO instruments is a responsibility of Member States, as Flag state, Port state or Coastal state, and IMO has no role on police or sanction.

16. When Member States includes IMO's instruments in their national legislations, normally they make reference to the source.

London, 13 May 2016