

ANNEX 2

RESOLUTION FAL.6(27)

Adopted on 9 September 1999

**ADOPTION OF AMENDMENTS TO THE CONVENTION ON FACILITATION OF
INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED**

THE FACILITATION COMMITTEE,

RECALLING article VII(2)(a) of the Convention on Facilitation of International Maritime Traffic, 1965, as amended, hereinafter referred to as "the Convention", concerning the procedure for amending the Annex to the Convention,

RECALLING FURTHER the functions which the Convention confers upon the Facilitation Committee for the consideration and adoption of amendments to the Convention,

HAVING CONSIDERED, at its twenty-seventh session, amendments to the Annex to the Convention proposed and circulated in accordance with article VII(2)(a) thereof,

1. ADOPTS, in accordance with article VII(2)(a) of the Convention, the amendments to the Convention, the text of which is set out in the annex to the present resolution;
2. DETERMINES, in accordance with article VII(2)(b) of the Convention, that the amendments shall enter into force on 1 January 2001 unless, prior to 1 October 2000 at least one-third of Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments;
3. REQUESTS the Secretary-General, in conformity with article VII(2)(a) of the Convention, to communicate the amendments contained in the annex to all Contracting Governments;
4. FURTHER REQUESTS the Secretary-General to notify all Signatory Governments of the adoption and entry into force of the said amendments.

ANNEX

AMENDMENTS TO THE ANNEX TO THE FAL CONVENTION, AS AMENDED

Section 1 - Definitions and general provisions

C. Electronic data-processing techniques

- 1 Upgrade Recommended Practice 1.4 to a Standard and amend the text as follows:

"1.4 **Standard.** When introducing electronic data interchange (EDI) techniques to facilitate clearance processes, Contracting Governments shall encourage public authorities and other parties concerned (shipowners, handling companies, seaports, and/or cargo agents, etc.) to exchange data in conformity with the relevant UN standards, including UN Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT) standards."

- 2 Amend existing Standard 1.5 as follows:

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

- 3 Amend existing Standard 1.6 as follows:

"1.6 **Standard.** Public authorities, when introducing electronic data interchange (EDI) techniques for clearance processes, shall limit the information they require from shipowners and other parties concerned to that required by the FAL Convention."

- 4 Amend the opening clause of Recommended Practice 1.7 as follows:

"1.7 **Recommended Practice.** When planning for, introducing or modifying electronic data interchange (EDI) techniques for clearance processes, public authorities should:"

- 5 Amend existing Standard 1.8 as follows:

"1.8 **Standard.** Public authorities, when introducing electronic data interchange (EDI) techniques to assist clearance processes, shall encourage their use by maritime operators and other parties concerned but shall not reduce levels of service available to operators who do not use such techniques."

- 6 Add a new chapter D. Illicit drug trafficking as follows:

"D. Illicit drug trafficking

1.9 Recommended Practice. Public authorities should seek to establish co-operation arrangements with shipowners and other parties concerned to improve their ability to combat drug smuggling, while providing enhanced facilitation. Such arrangements could be based on the Customs Co-operation Council* Memoranda of Understanding and the associated guidelines.

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

1.11 Recommended Practice. Public authorities should use risk analysis to improve their ability to target illicit drug movements thereby facilitating the legitimate circulation of persons and goods."

* Since 1994 known as the World Customs Organization.

Section 2 - Arrival, stay and departure of the ship

B. Contents and purpose of documents

- 1 In Recommended practice 2.3.1 insert the words "container identification, where appropriate;" before the words "marks and numbers" at the fifth bullet point under (a) and the fourth bullet point under (b).

- 2 Add the following note to the text of Recommended Practice 2.3.1:

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

- 3 Amend Recommended Practice 2.5.2 as follows:

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

- 4 Replace the text in Box 2 of FAL Form 4 by the following:

"Effects ineligible for relief from Customs duties and taxes or subject to prohibitions and restrictions."

Section 3 - Arrival and departure of persons

A. Arrival and departure of persons

- 1 Add a new Standard 3.3.3 and a new Recommended Practice 3.3.4 as follows:

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

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

- 2 Renumber existing Standard 3.3.3 as 3.3.5 and add a new Standard 3.3.6 as follows:

"3.3.6 **Standard.** Where a person is found to be inadmissible, the public authorities shall, without unreasonable delay, inform the shipowner and consult the shipowner regarding the arrangements for removal. The shipowner is responsible for the costs of removal of an inadmissible person and, in the case where the person is transferred back to the custody of the shipowner, the shipowner shall be responsible for effecting his/her prompt removal to:

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

- 3 Renumber existing Standard 3.3.4 as 3.3.7.

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

- 1 Replace Standard 3.15.1 by the following:

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

- 2 Insert a new Standard 3.15.2 as follows:

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

- 3 Renumber existing Recommended Practice 3.15.2 as 3.15.3.

Section 4 - Arrival, stay and departure of cargo and other articles

A. General

- 1 Amend Recommended Practice 4.3 as follows:

"4.3 **Recommended Practice.** Public authorities should encourage owners and/or operators of marine cargo terminals to equip them with storage facilities for special cargo (e.g. valuable goods, perishable shipments, human remains, radioactive and other dangerous goods, as well as live animals), as appropriate; those areas of marine cargo terminals in which general and special cargo and mail are stored prior to shipment by sea should be protected against access by unauthorized persons at all times."

- 2 Insert a new Standard 4.4 to read as follows:

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

- 3 Insert a new Recommended Practice 4.5 to read as follows:

"4.5 **Recommended Practice.** When the nature of a consignment could attract the attention of different clearance agencies, e.g. Customs and veterinary or sanitary controllers, Contracting Governments should delegate authority for clearance to Customs or one of the other agencies or, where not feasible, take all necessary steps to ensure that clearance is carried out simultaneously at one place and with a minimum of delay."

- 4 Renumber existing Recommended Practice 4.4 as 4.6.

B. Clearance of export cargo

- 1 Replace the titles "B. Clearance of export cargo" and "C. Clearance of import cargo" with: "B. Clearance of cargo".

- 2 Renumber the existing titles "D", "E" and "F" as "C", "D" and "E" respectively.

- 3 Replace existing Recommended Practice 4.7 by the following:

"4.7 **Recommended Practice.** Public authorities should develop procedures to use pre-arrival information in order to facilitate the processing of customs declarations and to permit clearance prior to the arrival of cargo."

- 4 Add the following new Standards and Recommended Practices to Section 4B:

"4.8 **Recommended Practice.** Public Authorities should provide procedures for the clearance of cargo based on the relevant provisions of and associated guidelines to the International Convention on the simplification and harmonization of Customs procedures - the Kyoto Convention."

4.9 **Standard.** Public authorities shall limit physical interventions to the minimum necessary to ensure compliance with the law by using risk assessment to target cargo for examination."

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

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

4.12 Recommended Practice. Public authorities should use electronic data interchange (EDI) techniques for the purposes of obtaining information in order to accelerate and simplify clearance processes."

- 5 Renumber existing Standards and Recommended Practices 4.5 to 4.15 accordingly.
