

ANNEX 3

RESOLUTION FAL.3(21)
adopted on 1 May 1992

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-first 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 September 1993 unless, prior to 1 June 1993 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 CONVENTION ON FACILITATION OF
INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED

In Section 1, Definitions and General Provisions, add under

A. Definitions:

"Security Measures. Internationally agreed measures to improve security on board ships and in port areas to prevent unlawful acts against passengers and crews on board ships*.

* Reference is made to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 1988 and to MSC/Circ.443 of 26 September 1986 on "Measures to prevent unlawful acts against passengers and crews on board ships."

"Transport document. Document evidencing a contract of carriage between a shipowner and a consignor, such as a sea waybill, a bill of lading or a multimodal transport document."

In Section 2, Arrival, Stay and Departure of the Ship:

Recommended Practice 2.3.1 is amended to read:

"2.3.1 Recommended Practice. In the Cargo Declaration, public authorities should not require more than the following information:

(a) on arrival

- name and nationality of the ship
- name of master
- port arrived from
- port where report is made
- marks and numbers; number and kinds of packages; quantity and description of the goods
- transport document numbers for cargo to be discharged at the port in question
- ports at which cargo remaining on board will be discharged
- original ports of shipment in respect of goods shipped under multimodal transport documents or through bills of lading

(b) on departure

- name and nationality of the ship

- name of master
- port of destination
- in respect of goods loaded at the port in question; marks and numbers; number and kind of packages; quantity and description of the goods
- transport document numbers for cargo loaded at the port in question."

The Note to Recommended Practice 2.7.6.1 is amended to read:

"Note: This recommendation is not intended to prevent public authorities from further examination of a stowaway for possible prosecution and/or deportation. Further, nothing in this recommendation is to be construed as contradicting the provisions of the United Nations Convention Relating to the Status of Refugees of 28 July 1951 and the United Nations Protocol Relating to the Status of Refugees of 31 January 1967, which concern the prohibition of the expulsion or return of a refugee."

Recommended Practice 2.12.6 is upgraded to Standard 2.12.6 and amended to read:

"2.12.6 Standard. Public authorities shall permit containers and pallets entering the territory of a State under the provisions of Standard 4.8 to depart the limits of port of arrival for clearance of imported cargo and/or loading of export cargo under simplified control procedures and with a minimum of documentation.

Standards 2.12.7 and 2.12.8 are added to read:

2.12.7 Standard. Contracting Governments shall permit the temporary importation of component parts of containers without payment of customs duties and other taxes and charges when these parts are needed for the repair of containers already admitted under the terms of Standard 4.8.

2.12.8 Standard. Public authorities shall, subject to compliance with any national prohibitions or restrictions and any required port security or narcotics control measures, grant priority clearance to live animals, perishable goods and other consignments of urgent nature."

In Section 3, Arrival, and Departure of Persons:

Recommended Practices 3.2 and 3.3 are upgraded to Standards 3.2 and 3.3 and amended to read:

"3.2 Standard. Public authorities shall make arrangements whereby passports, or official documents of identity accepted in their place, from ships' passengers need be inspected by the immigration authorities only once at the time of arrival and once at the time of departure. In addition, these passports or official documents of identity may be required to be produced for the purpose of verification or identification in connection with customs and other formalities on arrival and departure.

3.3 Standard. After individual presentation of passports or official documents of identity accepted in their place, public authorities shall hand back such documents immediately after examination rather than withholding them for the purpose of obtaining additional control, unless there is some obstacle to the admission of a passenger to the territory."

Standard 3.7 is amended to read:

"3.7 Standard. In cases where evidence of protection against yellow fever is required from persons on board a ship, public authorities shall accept the International Certificate of Vaccination or Re-Vaccination in the form provided for in the International Health Regulations."

New Recommended Practice 3.11.6 is added to read:

"3.11.6 Recommended Practice. Public authorities should consider, as a means of ensuring prompt clearance, the introduction of the dual-channel system* for the clearance of passengers, and their baggage and private road vehicles.

* Reference is made to Recommended Practice 11 and appendix 2 of Annex F 3 of the Kyoto Convention."

Standard 3.14 is amended to read:

"3.14 Standard. Public authorities shall, without unreasonable delay, accept persons on board a ship for examination as to their admissibility into the State."

In Section 4, Public Health and Quarantine Including Sanitary Measures for Animals and Plants:

.1 Recommended Practice 4.2 is amended to read:

"4.2 Recommended Practice. Contracting Governments having certain interests in common owing to their health, geographical, social or economic conditions should conclude special arrangements pursuant to Article 85 of the International Health Regulations when such arrangements will facilitate the application of those Regulations."

In Section 5, Miscellaneous Provisions:

.1 Standard 5.9 is amended to read:

"5.9 Standard. Public authorities shall not require a shipowner to place special information for use of such authorities on a transport document or a copy thereof, unless the shipowner is or is acting for, the importer or exporter."

To Section 5, Miscellaneous Provisions, is added:

"H. ELECTRONIC DATA PROCESSING/ELECTRONIC DATA INTERCHANGE (EDP/EDI)

5.15 Recommended Practice. When introducing electronic data processing and interchange techniques to facilitate the clearance of ships, Contracting Governments should encourage public authorities and private parties concerned to exchange data electronically in conformity with international standards.

5.16 Standard. Public authorities shall accept any of the documents required for the clearance of ships, when produced by electronic data processing or interchange techniques that conform with international standards provided they contain the required information.

5.17 Standard. Public authorities, when introducing electronic data processing and interchange techniques for the clearance of ships, shall limit the information they require to that provided for in the pertinent provisions of this annex.

5.18 Recommended Practice. When planning for, introducing, or modifying electronic data processing or interchange techniques for the clearance of ships, public authorities should endeavour to:

- (a) afford all interested parties, from the outset, the opportunity for consultation;
- (b) evaluate existing procedures and eliminate those which are unnecessary;
- (c) determine those procedures which are to be computerized;
- (d) use United Nations (UN) Recommendations and relevant ISO Standards to the maximum extent practicable;
- (e) adapt these techniques for multimodal applications; and
- (f) take appropriate steps to minimize the cost of implementing these techniques to operators and other private parties.

5.19 Standard. Public authorities, when introducing electronic data processing and interchange techniques for the clearance of ships, shall encourage but not require their use by maritime operators and other parties concerned.

I. PRIVATE GIFT PACKAGES AND TRADE SAMPLES

5.20 Recommended Practice. Public authorities should provide simplified procedures for the prompt clearance of private gift packages and trade samples not exceeding a certain value or quality, which should be set at as high a level as possible.

J. CONSULAR FORMALITIES AND FEES

5.21 Standard. Contracting Governments shall not require consular formalities, charges or fees in connection with documents for the clearance of ships.

K. SUBMISSION OF PRE-IMPORT INFORMATION

5.22 Recommended Practice. Public authorities should develop procedures to allow for the submission of advance information prior to arrival of cargo in order to facilitate customs clearance.

L. CLEARANCE OF SPECIALIZED EQUIPMENT

5.23 Standard. Public authorities shall grant prompt customs clearance of specialized equipment needed to implement security measures.

M. FALSIFIED DOCUMENTS

5.24 Standard. Each Contracting Government shall ensure that the public authorities seize fraudulent, falsified or counterfeit travel documents of inadmissible persons. Such documents shall be removed from circulation and returned to the appropriate authorities when practicable. In place of a seized document, a covering letter shall be issued by the removing State and attached to it will be a photocopy of the forged travel documents, if available, as well as any important information. The covering letter and its attachment shall be handed over to the operator effecting the removal of the inadmissible person. It will serve to give information to the authorities at the transit and/or the original point of embarkation.

Note: The above Standard shall not be construed as overriding the right of the public authorities of the Contracting Governments to determine whether or not, depending on the individual case, possession of fraudulent documents in itself constitutes grounds for refusal of admission and prompt removal from the territory of the State concerned. Nothing in this Standard is to be construed as contradicting the provisions of the UN Convention Relating to the Status of Refugees of 28 July 1951 and the UN Protocol Relating to the Status of Refugees of 31 January 1967, which concern the prohibitions of the expulsion or return of a refugee."

AMENDMENTS AIMING AT THE RESTRUCTURING OF THE ANNEX TO THE FAL CONVENTION

Restructuring of sections and subsections

In Section 1, subsection "C" is added to read: "Electronic Data Processing Techniques".

In Section 2, subsection "E" is deleted and a new subsection G is added to read:

"G. Errors in documentation and penalties therefor".

Sub-heading letters "F" and "G" are amended to read "E" and "F".

In Section 3, the heading of subsection B is amended to read:

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

In Section 3, subsection "C" is added to read:

"C. Special facilities for marine transport of elderly and disabled passengers";

Sub-heading letters "C", "D", "E" and "F" are amended to read "D", "E", "F" and "G".

Section 4 is amended to read:

"Section 5 - Public health and quarantine including sanitary measures for animals and plants"

A new Section 4 is added to read:

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

In new Section 4, subsections are added with headings to read:

- A. General
- B. Clearance of export cargo
- C. Clearance of import cargo
- D. Containers and pallets
- E. Cargo not discharged at the port of intended destination
- F. Limitations of shipowners' responsibilities"

Section 5 is amended to read:

"Section 6 - Miscellaneous provisions"

In the new Section 6, subsections B, D, E, H, I, J, K, L and M are deleted.

Sub-heading letters C, F and G are amended to read B, C and D.

Rearrangement of Standards and Recommended Practices into subsections

In Section 1, subsection B is to include:

Standard 1.1; and

Recommended Practices 1.1.1, 1.2 and 1.3.

In Section 1, subsection C is to include:

Standards 5.16, 5.17 and 5.19; and

Recommended Practices 5.15 and 5.18.

In Section 2, subsection A is to include:

Standards 2.1 and 5.21.

In Section 2, subsection B is to include:

Standards 2.2, 2.2.3, 2.3, 2.3.2, 2.3.3, 2.3.4, 2.4, 2.4.1, 2.5, 2.5.1, 2.6, 2.6.1, 2.6.2, 2.6.3, 2.7, 2.7.5, 2.7.6, 2.8 and 2.9; and

Recommended Practices 2.2.1, 2.2.2, 2.3.1, 2.3.4.1, 2.3.5, 2.5.2, 2.6.4, 2.7.1, 2.7.2, 2.7.3, 2.7.4, and 2.7.6.1.

In Section 2, subsection C is to include:

Standard 2.10.

In Section 2, subsection D is to include:

Standards 2.11, 2.11.1 and 2.11.3; and

Recommended Practice 2.11.2.

In Section 2, subsection E is to include:

Recommended Practice 2.13.

In Section 2, subsection F is to include:

Standards 2.15, 2.15.1 and 2.16; and

Recommended Practice 2.14.

In Section 2, subsection G is to include:

Standards 5.2 and 5.3.

In Section 2, subsection H is to include:

Standards 2.17, 2.18, 2.19, 2.20, 2.21, 2.22, 2.23 and 2.24.

In Section 3, subsection A is to include:

Standards 3.1, 3.2, 3.3, 5.24, 3.7, 3.10, 3.10.1 and 3.10.2; and

Recommended Practices 3.1.1, 3.4, 3.5, 3.6, 3.8, 3.9, 3.9.1, 3.9.2 and 3.10.3.

In Section 3, subsection B is to include:

Standards 3.12, 3.14, 3.15 and 3.15.1; and

Recommended Practices 3.11, 3.11.1, 3.11.6, 3.13 and 3.15.2.

In Section 3, subsection C is to include:

Recommended Practices 3.11.2, 3.11.3, 3.11.4 and 3.11.5.

In Section 3, subsection D is to include:

Standards 3.16.1, 3.16.2, 3.16.3, 3.16.4, 3.16.6, 3.16.7, 3.16.8, 3.16.12, 3.16.13, and 3.16.15; and

Recommended Practices 3.16.5, 3.16.9, 3.16.10, 3.16.11, 3.16.14 and 3.16.16.

In Section 3, subsection E is to include:

Standard 3.17.1; and

Recommended Practices 3.17.2, 3.17.3, 3.17.4, 3.17.5, 3.17.6
and 3.17.7.

In Section 3, subsection F is to include:

Recommended Practice 3.18.

In Section 3, subsection G is to include:

Standards 3.19, 3.19.1 and 3.19.3; and

Recommended Practices 3.19.2 and 3.19.4.

In Section 4, subsection A is to include:

Recommended Practices 2.12, 2.12.1, 2.12.3 and 5.20.

In Section 4, subsection C is to include:

Standard 2.12.8; and

Recommended Practices 2.12.2 and 5.22.

In Section 4, subsection D is to include:

Standards 2.12.4, 2.12.6, and 2.12.7; and

Recommended Practice 2.12.5.

In Section 4, subsection E is to include:

Standards 5.7 and 5.8.

In Section 4, subsection F is to include:

Standards 5.9 and 5.10.

Section 5 is to include:

Standards 4.1, 4.4.1, 4.5, 4.7, 4.9 and 4.10; and

Recommended Practices 4.2, 4.3, 4.4, 4.6, 4.8, and 4.11.

In Section 6, subsection A is to include:

Recommended Practice 5.1.

In Section 6, subsection B is to include:

Standards 5.4.1, 5.4.2 and 5.5; and

Recommended Practices 5.4, 5.4.3 and 5.6.

In Section 6, subsection C is to include:

Standards 5.11, 5.12 and 5.23.

In Section 6, subsection D is to include:

Recommended Practices 5.13 and 5.14.

Renumbering of "Standards" and "Recommended Practices"

Recommended Practice 5.15 is amended to read 1.4
Standard 5.16 is amended to read 1.5
Standard 5.17 is amended to read 1.6
Recommended Practice 5.18 is amended to read 1.7
Standard 5.19 is amended to read 1.8

Standard 5.21 is amended to read 2.1.1
Standard 5.2 is amended to read 2.17
Standard 5.3 is amended to read 2.18
Standard 2.17 is amended to read 2.19
Standard 2.18 is amended to read 2.20
Standard 2.19 is amended to read 2.21
Standard 2.20 is amended to read 2.22
Standard 2.21 is amended to read 2.23
Standard 2.22 is amended to read 2.24
Standard 2.23 is amended to read 2.25
Standard 2.24 is amended to read 2.26

Standard 5.24 is amended to read 3.3.1
Recommended Practice 3.11.6 is amended to read 3.11.2
Recommended Practice 3.11.2 is amended to read 3.16
Recommended Practice 3.11.3 is amended to read 3.17
Recommended Practice 3.11.4 is amended to read 3.18
Recommended Practice 3.11.5 is amended to read 3.19
Standard 3.16.1 is amended to read 3.20
Standard 3.16.2 is amended to read 3.21
Standard 3.16.3 is amended to read 3.22
Standard 3.16.4 is amended to read 3.23
Recommended Practice 3.16.5 is amended to read 3.24
Standard 3.16.6 is amended to read 3.25
Standard 3.16.7 is amended to read 3.26
Standard 3.16.8 is amended to read 3.27
Recommended Practice 3.16.9 is amended to read 3.28
Recommended Practice 3.16.10 is amended to read 3.29
Recommended Practice 3.16.11 is amended to read 3.30
Standard 3.16.12 is amended to read 3.31
Standard 3.16.13 is amended to read 3.32
Recommended Practice 3.16.14 is amended to read 3.33
Standard 3.16.15 is amended to read 3.34
Recommended Practice 3.16.16 is amended to read 3.35
Standard 3.17.1 is amended to read 3.36
Recommended Practice 3.17.2 is amended to read 3.37
Recommended Practice 3.17.3 is amended to read 3.38
Recommended Practice 3.17.4 is amended to read 3.39
Recommended Practice 3.17.5 is amended to read 3.40
Recommended Practice 3.17.6 is amended to read 3.41
Recommended Practice 3.17.7 is amended to read 3.42

Recommended Practice 3.18 is amended to read 3.43
Standard 3.19 is amended to read 3.44
Standard 3.19.1 is amended to read 3.45
Recommended Practice 3.19.2 is amended to read 3.46
Standard 3.19.3 is amended to read 3.47
Recommended Practice 3.19.4 is amended to read 3.48

Recommended Practice 2.12 is amended to read 4.1
Recommended Practice 2.12.1 is amended to read 4.2
Recommended Practice 2.12.3 is amended to read 4.3
Recommended Practice 5.20 is amended to read 4.4
Standard 2.12.8 is amended to read 4.5
Recommended Practice 2.12.2 is amended to read 4.6
Recommended Practice 5.22 is amended to read 4.7
Standard 2.12.4 is amended to read 4.8
Recommended Practice 2.12.5 is amended to read 4.9
Standard 2.12.6 is amended to read 4.10
Standard 2.12.7 is amended to read 4.11
Standard 5.7 is amended to read 4.12
Standard 5.8 is amended to read 4.13
Standard 5.9 is amended to read 4.14
Standard 5.10 is amended to read 4.15

Standard 4.1 is amended to read 5.1
Recommended Practice 4.2 is amended to read 5.2
Recommended Practice 4.3 is amended to read 5.3
Recommended Practice 4.4 is amended to read 5.4
Standard 4.4.1 is amended to read 5.4.1
Standard 4.5 is amended to read 5.5
Recommended Practice 4.6 is amended to read 5.6
Standard 4.7 is amended to read 5.7
Recommended Practice 4.8 is amended to read 5.8
Standard 4.9 is amended to read 5.9
Standard 4.10 is amended to read 5.10
Recommended Practice 4.11 is amended to read 5.11

Recommended Practice 5.1 is amended to read 6.1
Recommended Practice 5.4 is amended to read 6.2
Standard 5.4.1 is amended to read 6.3
Standard 5.4.2 is amended to read 6.4
Recommended Practice 5.4.3 is amended to read 6.5
Standard 5.5 is amended to read 6.6
Recommended Practice 5.6 is amended to read 6.7
Standard 5.11 is amended to read 6.8
Standard 5.12 is amended to read 6.9
Standard 5.23 is amended to read 6.10
Recommended Practice 5.13 is amended to read 6.11
Recommended Practice 5.14 is amended to read 6.12
