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**EXPLANATORY MANUAL TO THE CONVENTION ON FACILITATION OF
INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED**

1 The Facilitation Committee, at its thirty-sixth session (6 to 10 September 2010), finalized and approved the annexed Explanatory Manual to the Convention on Facilitation of International Maritime Traffic, 1965, as amended (FAL Convention).

2 The Committee had recognized that the development of an Explanatory Manual should help in interpreting the legal text of the provisions of the Convention, that can be complex and at times difficult to understand. The Committee was of the view that the Manual should provide for a greater understanding of the Convention, particularly in those Member States which are not presently Contracting Governments to the Convention.

3 The Committee once again urged those Member States which had not yet acceded to the FAL Convention, to consider doing so as soon as possible, in order to assist the Organization's efforts to promote wider acceptance of the Convention and adoption of measures contained therein and work towards the universal implementation of measures to facilitate international maritime traffic.

4 Member Governments are invited to bring this Manual to the attention of all parties concerned, including public authorities, ship's masters, agents and operators.

ANNEX

**EXPLANATORY MANUAL TO THE CONVENTION ON FACILITATION
OF INTERNATIONAL MARITIME TRAFFIC 1965, AS AMENDED**

*(INCORPORATING AMENDMENTS TO THE FAL CONVENTION
UP TO AND INCLUDING 2010)*

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Introduction

This manual contains guidance and interpretations of the provisions of the Annex to the Convention on Facilitation of International Maritime Traffic, 1965, as amended, including the amendments to the Convention adopted on 16 January 2009, which came into force on 15 May 2010, as well as practical methods of application and examples of best practices.

Public authorities may apply the methods of application or best practices which are most suitable for their circumstances. If an application is more liberal than required by a particular Standard or Recommended Practice, such an application may be regarded as granting a wider facility in accordance with Article V of the Convention.

Contracting Governments to the FAL Convention are obliged to bring the Standards and Recommended Practices of this Convention into force nationally, unless they have lodged a reservation with the Secretary-General in accordance with Article VIII. Their national legislation must include the implementation of these Standards and Recommended Practices together with specific regulations for their application.

Taking into account the character of the Annex to the Convention, which is addressed to public authorities in general, national legislation will not necessarily be limited to only one category of legislation. It may be included in the legislation of various public authorities, such as Port, Immigration and Customs authorities. National legislation is not limited to laws in a formal sense, but may include other instruments such as official notifications, charters or ministerial degrees, according to the administrative system of each Contracting Government.

Explanatory guidance is provided for most substantive provisions of the Convention, which are, solely for the purposes of this manual and apart from the definitions, indicated in bold text. Definitions within the Convention are not provided with guidance, based on the understanding that such a definition should be clear as read.

This manual does not form a part of the Authentic text of the Annex to the FAL Convention and entails no legal obligation towards Contracting Governments. While, for ease of reference, the manual reproduces text from the Convention, the provisions of the Authentic text of the Convention must be consulted and take precedence over any part of this Explanatory manual.

Annex

Section 1 – Definitions and general provisions

A. *Definitions*

For the purpose of the provisions of this annex, the following meanings shall be attributed to the terms listed:

Attempted stowaway. A person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the master or any other responsible person, and who is detected on board the ship before it has departed from the port.

Cargo. Any goods, wares, merchandise, and articles of every kind whatsoever carried on a ship, other than mail, ship's stores, ship's spare parts, ship's equipment, crew's effects and passengers' accompanied baggage.

Crew's effects. Clothing, items in everyday use and other articles, which may include currency, belonging to the crew and carried on the ship.

Crew member. Any person actually employed for duties on board during a voyage in the working or service of a ship and included in the crew list.

Cruise ship. A ship on an international voyage carrying passengers participating in a group programme and accommodated aboard, for the purpose of making scheduled temporary tourist visits at one or more different ports, and which during the voyage does not normally:

- (a) embark or disembark any other passengers;
- (b) load or discharge any cargo.

Customs clearance. Accomplishment of the customs formalities necessary to permit goods to enter home use, to be exported or to be placed under another Customs procedure.

Customs release. Action taken by Customs authorities to permit goods undergoing clearance to be placed at the disposal of the persons concerned.

Document. Information presenting data by electronic means or by non-electronic means.

Estimated time of arrival (ETA). Time when a ship estimates it will arrive at the pilot station serving a port or, when it expects to enter a specific location in the port area, where port regulations apply.

Manifest. Document recapitulating the various data from bills of lading and other transport documents issued for the carriage of goods on board ships.

Passenger in transit. A passenger who arrives by ship from a foreign country for the purpose of continuing his journey by ship or some other means of transport to a foreign country.

Passengers' accompanied baggage. Property, which may include currency, carried for a passenger on the same ship as the passenger, whether in his personal possession or not, so long as it is not carried under a contract of carriage of goods or other similar agreement.

Port. Any port, terminal, offshore terminal, ship and repair yard or roadstead which is normally used for the loading, unloading, repair and anchoring of ships, or any other place at which a ship can call.

Postal items. Correspondence and other objects tendered to be carried by a ship for carriage by postal administrations and intended for delivery to postal administrations in the ship's ports of call.

Public authorities. The agencies or officials in a State responsible for the application and enforcement of the laws and regulations of that State which relate to any aspect of the Standards and Recommended Practices contained in this annex.

Security measures. Measures developed and implemented in accordance with international agreements to improve security on board ships, in port areas, facilities and of goods moving in the international supply chain to detect and prevent unlawful acts*.

Shipowner. One who owns or operates a ship, whether a person, a corporation or other legal entity, and any person acting on behalf of the owner or operator.

Ship's documents. Certificates and other documents which must be made available by a ship's master in order to demonstrate the vessel's compliance with international or national regulations.

Ship's equipment. Articles, other than ship's spare parts, on board a ship for use thereon, which are removable but not of a consumable nature, including accessories such as lifeboats, life-saving devices, furniture, ship's apparel and similar items.

Ship's spare parts. Articles of a repair or replacement nature for incorporation into the ship in which they are carried.

Ship's stores. Goods for use in the ship, including consumable goods, goods carried for sale to passengers and crew members, fuel and lubricants, but excluding ship's equipment and ship's spare parts.

Shore leave. Permission for a crew member to be ashore during the ship's stay in port within such geographical or time limits, if any, as may be decided by the public authorities.

Stowaway. A person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the master or any other responsible person and who is detected on board the ship after it has departed from a port, or in the cargo while unloading it in the port of arrival, and is reported as a stowaway by the master to the appropriate authorities.

Temporary admission. The Customs procedure under which certain goods can be brought into a Customs territory conditionally relieved, totally or partially, from payment of import duties and taxes and without application of import prohibitions or restrictions of economic character; such goods must be imported for a specific purpose and must be intended for re-exportation within a specified period and without having undergone any change except normal depreciation due to the use made of them.

Time of arrival. Time when a ship first comes to rest, whether at anchor or at a dock, in a port.

Transport document. Information evidencing a contract of carriage between a shipowner and a consignor, such as a sea waybill, a bill of lading or a multi-modal transport document.

* Reference is made to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 (SUA Convention), the International Ship & Port Facility Security Code (ISPS Code) and the International Convention for the Safety of Life at Sea, 1974 (SOLAS), chapter XI-2.

B. General provisions

In conjunction with paragraph 2 of article V of the Convention, the provisions of this annex shall not preclude public authorities from taking such appropriate measures, including calling for further information, as may be necessary in cases of suspected fraud, or to deal with special problems constituting a grave danger to public order (*ordre public*), public security or public health, such as unlawful acts against the safety of maritime traffic and illicit trafficking in narcotic drugs and psychotropic substances, or to prevent the introduction or spread of disease or pests affecting animals or plants.

1.1 Standard. Public authorities shall in all cases require only essential information to be furnished, and shall keep the number of items to a minimum.

It was the "red tape" of excessive documentary and other requirements that made the establishment of this Convention essential. In spite of the recent demand for more detailed information, particularly related to maritime security, the considerations which have led to this Convention are still of vital importance for the facilitation of maritime traffic and will contribute to the economic development and efficient operations of public authorities.

1.1.1 Recommended Practice. Public authorities should take into account the facilitation implications which may result from the introduction of systems for the electronic exchange of information, and should consider these in collaboration with shipowners and all other interested parties.

Existing information requirements and control procedures should be simplified, and attention should be given to the desirability of obtaining compatibility with other relevant information systems.

The use of information technology has contributed to facilitation more than just the abolition of unnecessary documents. These developments are ongoing and their influence on the working methods of trade and public authorities will become more and more apparent in the future. Information technology makes it possible for public authorities to shift from paper documents, often with a number of copies, to equivalent electronic information and use the trade information which is already available in their automated systems. Trade will implement information technology where cost savings are obvious. Public authorities can also benefit from a more wide-ranging use of information technology such as the re-use of information in subsequent procedures and automated risk-analyses. Many of the first electronic procedures of public authorities were still based on the working methods of the legacy documentary requirements. The new opportunities give public authorities the possibility to develop and implement modern efficient working methods. A few decades ago public authorities could only process the relevant information at the time of arrival of a ship, resulting in delays and interference in the logistical process.

Today, almost without exception, most of the information required by public authorities is already available electronically in the commercial systems of the operators. Information technology makes it possible to provide public authorities with relevant information in advance. Based on the information received in advance public authorities can process the information at an early stage and allocate their resources efficiently to high risk shipments, while at the same time facilitating maritime traffic with a minimum of interruption. In fact, secure electronic information is possible which can be certified by means of electronic signature.

1.2 Recommended Practice. Notwithstanding the fact that documents for certain purposes may be separately prescribed and required in this annex, public authorities, bearing in mind the interests of those who are required to complete the documents as well as the purposes for which they are to be used, should provide for any two or more such documents to be combined into one in any case in which this is practicable and in which an appreciable degree of facilitation would result.

The principle of this Recommended Practice is to avoid the duplication of requirements where possible. Often, different public authorities are interested in the same information. Where standardized forms or electronic data sets are developed, not all public authorities are interested in all the information. This would require separate sets of information based on the same model.

It facilitates trade if public authorities could allow for the lodgement of the same set of information (on paper or electronically) to the relevant public authorities. Mutual agreement between the public authorities involved is necessary to provide trade with transparent procedures. Information technology makes it possible for such information to be sent to one single entry point and distributed among the relevant public authorities. For this "Single Window" principle, reference is made to Recommended Practice 1.8.1.

1.3 Recommended Practice. Measures and procedures imposed by Contracting Governments for the purposes of security or preventing the trafficking of narcotics should be efficient and, where possible, use information technology. Such measures and procedures (e.g., risk management and cross-checking of information) should be implemented in such a manner as to cause a minimum of interference with, and to prevent unnecessary delays to, ships and persons or property on board.

The concern of Governments for the security of their society and the illicit traffic of narcotic and other unwanted substances is a subject of constant concern. This Recommended Practice addresses Contracting Governments which implement measures to reduce those risks to also take into consideration that such measures shall at the same time reduce the additional burden to trade as much as possible and to avoid delays in the logistical processes. This could be achieved by the wider use of information technology in connection with procedures to receive and process advance information (pre-arrival and pre-departure), the close cooperation among the relevant public authorities and the use of advanced risk-management instruments. For Customs purposes, reference could be made to the SAFE Framework of Standards from the World Customs Organization (WCO) to secure and facilitate global trade. This Framework provides for international standards to secure the global supply chain while at the same time does not impede but facilitates the international movement of goods.

These standards could also be used in cooperation with other public authorities to avoid the use of different standards by public authorities, which will hamper the rapid movement of goods.

C. Systems for the electronic exchange of information

1.4 Standard. When introducing systems for the electronic exchange of information required by public authorities for the arrival, stay and departure of the ship, persons and cargo 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.

It is today common practice for almost all public authorities to exchange information electronically. Paper declarations will become the exception in the near future. Electronic transmission and exchange of information enables public authorities to respond to the modern concepts of information and communication techniques used by the international maritime industry. It affords public authorities the possibility to receive, send and process information most effectively so as to improve their level of control while, at the same time facilitating legitimate commercial operations. As speed of movement is important for the maritime industry it is also of benefit if the information required by public authorities can be sent electronically. It is beneficial for agents or traders if they are allowed to supply information directly from their own automated system, normally situated in their own premises and to receive responses directly from the relevant public authorities.

Such benefits for public authorities and trade can only be achieved when electronic transmissions are based on the use of internationally recognized standards, including conformity with those in UN Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT) and the IMO FAL Forms. For example, messages sending manifest information are usually based on the UN/EDIFACT "CUSCAR" Customs cargo report message. Information on the electronic transmission of the IMO FAL Forms is available in the IMO Compendium on Facilitation and Electronic Business*. The UN Trade Data Elements Directory (UNTDDED) includes standard data elements to facilitate the interchange of data in international trade in general. The WCO Data Model provides a maximum framework of standardized and harmonized sets of data and standard electronic messages to be submitted by trade for Customs and other regulatory purposes to accomplish formalities for the arrival, departure, transit and clearance of goods in international cross-border trade.

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.

Notwithstanding the fact that the use of paper based documents will diminish in the future, in cases or circumstances where paper documents are still used, this Standard provides for the possibility to use information technology to print the lay-out of the required paper documents, such as the FAL Forms, on plain paper. This process is often combined with the inclusion of the required information in the appropriate places of the document. This to avoid the use of pre-printed forms to be completed with the required information by pen or typewriter, etc.

1.6 Standard. Public authorities, when introducing systems for the electronic exchange of information for clearance processes, shall limit the information they require from shipowners and other parties concerned to that required by the FAL Convention.

The purpose of this standard is to provide for an important principle of equal treatment by public authorities, irrespective of the method of providing the public authorities with the required information. However, with the rapid development of information technology it is sometimes inevitable that in an electronic environment, the requirement for additional information is unavoidable so as to be able to process the information in the most efficient way. For the most part this additional information is necessary for processing the information which will make it possible to communicate between the public authorities and trade, such as registration information, electronic signature, place of lodgement of the information/declaration, etc.

* Under revision.

1.7 Recommended Practice. When planning for, introducing or modifying systems for the electronic exchange of information for clearance processes, public authorities should:

- (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 systems for multimodal applications; and**
- (f) take appropriate steps to minimize the cost of implementing these systems to operators and other private parties.**

An efficient and wide-spread use of information technology requires extensive communication between the public authorities and the industry. Investments in information technology are long term investments, expensive and time-consuming. This communication can be achieved by using existing consultative instruments, such as national maritime transport facilitation committees as provided for in Recommended Practice 7.12, or specific consultative structures for the development and implementation of information technology. Where no systems for electronic exchange of information are currently available, it is important that both public authorities and trade communicate their intentions and objectives to avoid non-inter-operability in the future. Where possible, already existing systems for the exchange of information should be used (fully or partially) for the further development of these systems to reduce costs. The consultation should lead to the implementation of automated systems which are inter-operable. Public authorities should evaluate their existing (paper based) procedures to ascertain whether they are appropriate and useful in an electronic environment. With regard to procedures which are still necessary but of limited applicability, consideration should be given, based on a cost-benefit analysis, to not transferring those procedures into an electronic environment.

Sometimes when procedures are automated it is possible to include another procedure without any additional burden. For example, statistical information can automatically be derived from the basic information and sent to the statistical authorities. If additional information for statistical purposes is necessary this could be included in the basic information. The separate procedure for gathering statistical information, e.g., a copy of one of the FAL Forms can be eliminated. Similar considerations could be made with other procedures and formalities, also regarding the procedures of other public authorities.

An important condition for inter-operability between automated systems is the standardization of the information. Public authorities should use already available internationally recognized standards such as the standards and recommendations developed by the United Nations, the International Organization for Standardization (ISO), the WCO and other international bodies. Reference could also be made to the standards and recommendations from UN/CEFACT and ISO standards for coding certain data-elements (including the UNTDED data-elements directory). The WCO Data Model is also an important instrument for the standardization and harmonization of data-elements. In future the WCO Data Model will include information regarding all public authorities.

1.7.1 Recommended Practice. Contracting Governments should encourage public authorities and other parties concerned to co-operate or participate directly in the development of electronic systems using internationally agreed standards with a view to enhancing the exchange of information relating to the arrival, stay and departure of ships, persons and cargo and assuring inter-operability between the systems of public authorities and other parties concerned.

This provision refers to community systems, already in use in many ports, which enable public authorities and trade to exchange information for commercial logistical and official control operations, through a single central automated system. Such community systems use standardized procedures and techniques to exchange information between public authorities, such as Customs, Immigration, Health authorities, etc., and the commercial operators such as cargo handlers, freight forwarders, shippers, consignees, transporters, etc. The same system can be used to exchange information on the arrival, movement or departure of ships, port authorities, security authorities, etc. A community system can also handle data in respect of bills of lading, cargo manifests, transport orders, arrival notifications, status information and Customs declarations.

Good partnership between trade, public authorities and other parties involved are essential to handle today's complex business realities. Networking helps trade development partners to build trust through dialogue, refine their analyses and set priorities that reflect real needs, on issues such as trade negotiations, national export strategies and visibility in trade statistics. Community systems can be developed by public authorities, by trade or by a combination, called Public-Private Partnerships.

1.8 Standard. Public authorities, when introducing systems for the electronic exchange of information 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 systems.

This Standard is connected to the principle of equal treatment mentioned in Standard 1.6. Public authorities should not reduce their level of service when declarations are still paper based. However, this basic principle will be challenged in the future when more and more automated systems will assess and process the information submitted.

Together with automated risk-management procedures, public authorities can concentrate their efforts on high risk consignments, therefore information regarding "secure and safe consignments" will be processed automatically without actual interference by the public authorities. This will facilitate trade and contribute to a rapid clearance of persons and goods, the result being that paper based declarations cannot fully benefit from these advanced techniques. Paper based declarations have to be processed manually. Maximum benefit can be achieved when such paper based information is keyed-in in the automated systems by the public authorities, but this is not always an efficient working method. Nevertheless public authorities should make efforts to ensure equal treatment where this can be considered reasonable. In order to avoid problems and ensure equal treatment during the processing of the information received electronically or paper-based, it is important that Contracting Governments publish clear rules of procedures to address this point.

1.8.1 Recommended Practice. Contracting Governments should encourage public authorities to introduce arrangements to enable trade and transport operators including ships to submit all the information required by public authorities in connection with the arrival, stay and departure of ships, persons and cargo, avoiding duplication, to a single entry point.

The obligation on trade to provide various public authorities with information on cargo and passengers at varying stages of movement may present obstacles to business efficiency. Although this information may be required for different purposes, many data elements required by public authorities, including identification of the ship, date and time of arrival, port of departure, cargo information are identical. If the total requirements of such common elements can be combined into a single message according to commonly agreed standards and sent electronically to a single official destination, instead of being sent to individual public authorities separately, costs are cut and rapid, reliable deliveries are facilitated.

This concept, often referred to as a "Single Window", can expedite and improve the flow of information between public authorities and trade. Single Window is defined as: "a facility that allows parties involved in trade and transport to lodge standardized information and document with a single point to fulfil all import, export and transit related regulatory requirements".

The key principle is that the single public or official agency nominated to receive the overall information would redistribute data, as appropriate, to other relevant public authorities, based on data harmonization and standardization. The United Nations Economic Commission for Europe (UNECE) and its facilitating body the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) have published two recommendations on the Single Window concept. UNECE Recommendation 33 covers the establishment of a Single Window with accompanying guidelines and Recommendation 34 and its guidelines covers the data harmonization aspects of the Single Window concept to enable the development of Single Window systems and exchange of information in the Single Window environment.

Further facilitation can be achieved by arrangements between public authorities that any necessary physical checks by different public authorities and other agencies will be co-ordinated and if possible take place at the same place and time. This is also called the "one-stop shop" concept. These arrangements can be embodied and based on suitable Memoranda of Understanding (MoU). It is important that public authorities make maximum efforts to combine, harmonize and minimize the necessary information. This will be much facilitated by the use of advanced inter-communication methods, such as the community systems mentioned in Recommended Practice 1.7.1.

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.

In their effort to combat illicit drug trafficking public authorities can benefit from information which is already available in the records of the shipping company. For shipowners it is also important that they are not involved in illegal practices. Sharing enhanced information with public authorities, based on an MoU, can safeguard shipowners against liability for these practices to a certain extent.

IMO has produced Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic^{**}. The objective of these Guidelines is, *inter alia*, to manage the risks to which a

* Since 1994 known as the World Customs Organization.

** Resolution MSC.228(82); resolution FAL.9(34).

ship operating in international maritime traffic is exposed when involved in situations arising from illicit drugs trafficking that might disrupt the overall safety and security of such maritime traffic.

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.

Confidentiality is an important condition for the industry to share information. Sharing sensitive or commercial information with public authorities, not only for targeting illicit drug trafficking, but also with regard to information to other threats such as security information should always be treated confidentially. Many countries have already implemented national provisions which secure the confidential treatment of information.

E. Control techniques

1.11 Standard. Public authorities shall use risk management to enhance their border control procedures related to:

- **the release/clearance of cargo;**
- **security requirements; and**
- **their ability to target smuggling,**

thereby facilitating the legitimate circulation of persons and goods.

In practice, public authorities are not able to physically inspect every shipment entering or leaving the Customs territory. Next to the already existing areas of control, the new security requirements force public authorities, such as Immigration and Customs, to assess the information received more in depth and in an earlier stage. To minimize the occurrence of risks, risk management is an important technique to help public authorities to realize more effective controls, set the necessary priorities and allocate the resources available more efficiently, thereby maintaining a proper balance between controls and facilitating legitimate trade in the international movement of cargo. The use of risk management makes it possible to meet these new challenges.

The benefits of risk management for the public authorities are:

- accurate selection of high risk transactions;
- efficient allocation of resources to high risk areas;
- elimination of time and resource wastage;
- ability to fast track international trade transactions, thereby contributing to the national economy;
- greater openness and transparency in decision-making and on-going management processes thereby meeting accountability requirements.

Also the industry can gain benefits from the use of risk management:

- faster clearance through better targeting of high risk cargo;
- facilitation of the vast majority of low risk transactions;
- reduced delays for industry, cutting the cost of doing business.

Risk-management is defined as a control methodology for identifying, analysing and managing risks associated with any activity, function or process. Risk is the key-element and plays a central role in the risk-management process. To handle the large amount of information it is necessary that public authorities focus their efforts on high risks. Concerning the flow of information it is also important to clarify what data is needed and why international instruments should indicate a maximum set of data, their collection and use. This will avoid an inefficient demand for data and will facilitate trade. Risk management must not be seen as a static process but as an interactive process in which information related to cargo and its movement is continuously updated, analysed, acted upon and reviewed. The risk-management process consists therefore of the following elements:

- determining the strategic and organizational context in which risk management will be applied by, among others, Immigration and Customs;
- identifying, analysing and prioritizing risks;
- assessing risks by taking appropriate and proportionate measures to cover the identified high risks; and
- monitoring and reviewing the process on a regular basis.

In the second element of the risk management process, in short described as risk analysis, the systematic use of available information to determine how often defined risks may occur and the magnitude of their likely consequences is important. Risk-analysis will identify risks resulting in risk profiles which will be the basis for the next step in the process taking the appropriate measure to cover the risk. Examples of risk areas can be found in the information of the nature of the cargo, the country of origin or departure, prohibitions and restrictions relating to cargo and the chosen route of transport. Risk areas can be specific destinations, specific countries of origin, sensitive goods such as nuclear material, drugs, etc. Other factors relating to protection of the national economy, health, security and environment have to be also taken into account which taken together, increase or reduce the level of risks. Risk profiles will identify known risk areas, actual incidents and the corresponding (high) risk indicators. Risk profiles also establish an action plan of checks carrying out the appropriate controls and allocating the available resources. Computerized applications and IT support is indispensable for the effective performance of this process.

Section 2 – Arrival, stay and departure of the ship

This section contains the provisions concerning the formalities required of shipowners by the public authorities on the arrival, stay and departure of the ship and shall not be read so as to preclude a requirement for the presentation for inspection by the appropriate authorities of certificates and other papers carried by the ship pertaining to its registry, measurement, safety, manning and other related matters.**

** FAL.2/Circ.87-MEPC/Circ.426-MSC/Circ.1151.

A. General

2.1 Standard. 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 present section.

The documents in question are:

- **General Declaration**
- **Cargo Declaration**
- **Ship's Stores Declaration**
- **Crew's Effects Declaration**
- **Crew List**
- **Passenger List**
- **Dangerous Goods Manifest**
- **The document required under the Universal Postal Convention for mail**
- **Maritime Declaration of Health.**

In the past, public authorities required a great number of different documents developed for their specific national needs. The layout, as well as the data requirements of these documents were divergent. The maritime industry had to provide different documents at each port, which impeded efficient trade to a great extent. With the establishment of the FAL Convention, part of the red tape is removed and this Standard reduces and harmonizes the great variety of documents to only 9 documents for all formalities on arrival and departure of a ship with a standardized set of data requirements.

The layout, including the data requirements of 7 of these documents have been specifically developed for maritime traffic as follows and are presented in Appendix 1.

- General Declaration – IMO FAL Form 1
- Cargo Declaration – IMO FAL Form 2
- Ship's Stores Declaration – IMO FAL Form 3
- Crew's Effects Declaration – IMO FAL Form 4
- Crew List – IMO FAL Form 5
- Passenger List – IMO FAL Form 6
- Dangerous Goods Manifest – IMO FAL Form 7.

Contracting Governments shall use these documents or, in the case of electronic exchange of information, their electronic equivalent. For that purpose, the details and requirements for exchanging the information contained in the IMO FAL Forms electronically, an IMO Compendium on Facilitation and Electronic Business has been developed¹.

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

To reduce costs and simplify formalities, the FAL Forms covered by this Convention should be sufficient to perform the formalities and comply with the regulations in force related to the clearance on arrival or departure of ships. Additional formalities, charges or fees do not pertain to a modern and efficient approach to port management performed by or on behalf of public authorities. See also Standard 2.17.

2.1.2 Recommended Practice. Public authorities should develop procedures to use pre-arrival and pre-departure information in order to facilitate the processing of information required by public authorities for the expedited subsequent release/clearance of cargo and persons.

When the required formalities for the clearance of cargo and persons are performed by public authorities upon their arrival or departure, it is self-evident that the time necessary to handle the information will delay the clearance. With the use of pre-arrival or pre-departure information public authorities can process the information more efficiently.

2.1.3 Recommended Practice. National legislation should specify the conditions for the lodgement of pre-arrival and pre-departure information. With regard to the point in time of transmission of the pre-arrival information, it should not normally be set substantially before the moment the ship has left the country of departure. However, national legislation could, in addition to the basic rule, also specify the exceptions if the time required for the voyage is shorter than the basic rule.

To avoid disagreement and disputes over the lodgement of pre-arrival information and provide a safeguard to the person who lodges the pre-arrival or pre-departure information, Contracting Governments should include in their national legislation or regulations the requirements such as the data-elements to be provided and the conditions to be met, e.g., the time limits for the lodgement of the information.

There are variations in fixed time limits for advanced notification by different public authorities. Therefore, it is important that public authorities take into account the time limits mentioned in the WCO SAFE Framework of Standards, so that the requirements of public authorities in different countries can provide for a level playing field for commercial operations.

2.1.4 Recommended Practice. Public authorities should not require the lodgement of a separate General Declaration, Cargo Declaration, Crew List and Passenger List if the data elements contained in these documents are included in the pre-arrival information.

Public Authorities should re-use information already available and not require the same information on repeated occasions. With the lodgement of pre-arrival information in cases where all the required information included in the General Declaration, Cargo Declaration, Crew List and Passenger List, the obligation to provide these forms is considered to be fulfilled. For reasons of legal responsibility public authorities may, based on provisions in their national legislation, regard the pre-arrival information as equal to the lodgement of the FAL Forms.

¹ FAL.5/Circ.15 (19 February 2001) – under revision.

2.1.5 Recommended Practice. Public authorities should:

- (a) develop systems for the electronic transmission of data for the lodgement of pre-arrival and pre-departure information; and**
- (b) consider the re-use or subsequent use of the pre-arrival and pre-departure information in subsequent procedures as part of all the information required for the release/clearance of passengers and cargo.**

The collection of pre-arrival or pre-departure information enables public authorities:

- to process the information by means of risk management at an early stage;
- to give early permission to unload and load the cargo and,
- where appropriate select consignments for examination or grant immediate release or clearance.

This enables public authorities to focus available resources on higher-risk areas and reduce constraints on fully compliant traders by minimizing interventions in the flow of goods presenting minimal risks. Advance information will facilitate the processing of information by Customs and other public authorities at the earliest possible stage after receipt.

Standard 1.1 states that information requirements shall be limited to a minimum. The same principle should apply to pre-arrival and pre-departure information. To facilitate the flow of legitimate goods through ports as much as possible, public authorities should inform trade on the level of information necessary, which could also include information on the ship's General Declaration, the information relating to the cargo and where necessary additional security information. Also the WCO SAFE Framework of Standards provides for a maximum of data elements to be used for security purposes which could be required from the carrier, the importer or the exporter.

When pre-arrival or pre-departure information is received electronically, and the data necessary for control purposes at arrival is correct, requests for a formal General Declaration and Cargo Manifest would simply result in unnecessary duplication. Public authorities may be prepared to accept a notification of arrival, supplementing prescribed pre-arrival information, as a sufficient formal statement to fulfil the function of the General Declaration and the Cargo Manifest. There is a constantly growing need for efficient communication. Electronic submissions eliminate the need for paper declarations and, where possible, supporting documents. Data duplication can be avoided and, once data has been checked and shown to be correct, it can be used for other subsequent (Customs) procedures for release or clearance of the goods, such as importation or warehousing. Where possible, only the additional data related to each such specific procedure should be required by public authorities, as supplements to the information already available.

B. Contents and purpose of documents

2.2 Standard. The General Declaration shall be the basic document on arrival and departure providing data required by public authorities relating to the ship.

The General Declaration contains a number of specific data-elements related to the ship, its voyage, and other information.

Several public authorities could be interested in the information on the General Declaration, such as the Port authorities, Customs, Health authorities and Immigration. Based on this information, public authorities can perform their assessment and take the appropriate measures. This assessment can be based on legal provisions and risk management. Port authorities can allocate the place of berth in the port and calculate harbour fees. Customs can, preferably based on risk management, determine if the ship or the cargo on the ship pose a certain risk. Immigration may include in their assessment the information regarding the countries and the ports which have been visited by the ship. Also Health authorities could use the information on the countries visited for their specific tasks.

2.2.1 Recommended Practice. The same form of General Declaration should be accepted for both the arrival and the departure of the ship.

The General Declaration has been developed as a multifunctional document which can be used for the formalities on arrival and departure. A tick in the small box on top of the document indicates its function. It is also possible to use only one document for the two functions on arrival and departure. The space available for official use in the lower part of the form allows public authorities to enter their findings on arrival and departure. The use of only one form also simplifies and facilitates the formalities to be fulfilled by the master of the ship or its agent.

2.2.2 Recommended Practice. In the General Declaration, public authorities should not require more than the following data:

- **name, type and IMO number of ship**
- **call sign**
- **flag State of ship**
- **voyage number**
- **particulars regarding registry**
- **particulars regarding tonnage**
- **name of master**
- **name and contact details of ship's agent**
- **brief description of the cargo**
- **number of crew**
- **number of passengers**
- **brief particulars of voyage**
- **date and time of arrival, or date of departure**
- **port of arrival or departure**
- **position of the ship in the port**

- **the ship's requirements in terms of waste and residue reception facilities**
- **last port of call/next port of call.**

The data-elements contained in the General Declaration should be sufficient for public authorities to perform their tasks at arrival and departure. In addition to the obligation to use the General Declaration, public authorities could publish explanatory notes to these data elements to facilitate the use of the document and to inform the declarant concerning the content of each specific data-element. It is not necessary that public authorities require all the data-elements contained in the General Declaration. Where public authorities are satisfied with a lower number of data elements this will facilitate the obligations of the declarant.

2.2.3 Standard. Public authorities shall accept that the General Declaration is either dated and signed by the master, the ship's agent or some other person duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.

The General Declaration can be dated and signed at the bottom of the document. Public authorities shall not limit the signing of the document only to the person responsible for the ship, i.e. the master. Efficient and easy formalities should allow that other persons may perform the formalities and sign the declaration. In today's trade practice, it is common that formalities are fulfilled by representation on behalf of the persons responsible for those formalities. In many cases the master is represented by an agent authorized by the shipowner. Public authorities should lay down in their national legislation or regulations the manner in which representation is possible.

2.3 Standard. The Cargo Declaration shall be the basic document on arrival and departure providing data required by public authorities relating to the cargo. However, particulars of any dangerous cargo may also be required to be furnished separately.

The Cargo Declaration contains only summary information regarding the cargo in or on the ship, basically the quantity and nature of the goods. It also includes some of the general information regarding the ship, such as the name and nationality of the ship. The latter is useful because the Cargo Declaration is linked directly to the ship and can be used separately from the General Declaration. The information in the Cargo Declaration is to be used by several public authorities, in particular Customs and Port Authorities.

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

- (a) **on arrival**
- **name and IMO number of ship**
 - **flag State of ship**
 - **name of master**
 - **call sign**
 - **voyage number**
 - **port of loading**

- **port where report is made**
- **container identification, where appropriate; marks and numbers; number and kind of packages; quantity and description of the goods or, if available, the HS code***
- **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 IMO number of ship**
- **flag State of ship**
- **name of master**
- **call sign**
- **voyage number**
- **port of discharge**
- **in respect of goods loaded at the port in question: container identification, where appropriate; 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.**

With the information contained in the General Declaration, Customs may have a global overview of the cargo entering or leaving a port, thus enabling them to allocate the responsibility for the goods to a specific person. For the Port authorities, this information is also useful to be able to deal with, for example, specialized cargo, such as oil and bulk, and assign a specific area in the port. This information should be satisfactory for public authorities to perform their primary functions at arrival and departure. Next to the obligation to use the Cargo Declaration as a facilitation measure, public authorities could publish explanatory notes to these data elements to simplify the use of the document and to inform the declarant concerning the content of each specific data-element. Not all the information contained in the Cargo Declaration is necessarily required by public authorities. Public authorities may be satisfied with a lower number of data elements.

* Convention on the Harmonized Commodity Description and Coding System: also known as the "Harmonized system" (HS). This international convention came into force on 1 January 1988; its objective is to establish a description and coding system for use by Customs administrations when designating commodities or commodity groups for the purposes of setting Customs tariffs and collecting statistics.

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.

To facilitate the processing of information required by public authorities, in particular risk analysis, all parties involved should use an appropriate description of the goods and refrain from using generic terms, such as "general cargo", "parts", etc.

2.3.2 Standard. In respect of cargo remaining on board, public authorities shall require only brief details of the minimum essential items of information to be furnished.

The information regarding cargo arriving in a port where the cargo will not be unloaded, and another port is the port of destination shall be limited to general cargo information, such as a brief description of the goods, their quantity and, where necessary, the port of destination. When cargo is not destined for the port of arrival, public authorities can waive detailed information, for example for the calculation of taxes, the requirement of certificates or licenses, import restrictions and health regulations. However with security requirements, some Governments may find it necessary to ask for more information on transshipments.

2.3.3 Standard. Public authorities shall accept that the Cargo Declaration is either dated and signed by the master, the ship's agent or some other person duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.

See explanatory notes to Standard 2.2.3 on the dating and signing of the General Declaration.

2.3.4 Standard. Public authorities shall accept in place of the Cargo Declaration a copy of the ship's manifest provided it contains at least the information required in accordance with Recommended Practice 2.3.1 and Standard 2.3.2 and is signed or authenticated, and dated, in accordance with Standard 2.3.3.

The layout and the information contained in the Cargo Declaration, FAL Form 2, is also included in the model of the ICS Standard Manifest 1968. In addition some information related to the Bill of Lading, Consignor and the Consignee is part of the information in the manifest. Although the manifest is a commercial document, the information in the manifest could also be used and processed by public authorities, preferably by electronic data exchange. In most cases the manifest information is already available when the cargo is loaded at the port of departure and suitable to be provided as pre-arrival information. To ensure the liability of the person who presents the manifest as a document for official purposes the manifest should be dated and signed in accordance with the rules of Standard 2.3.3 for the official Cargo Declaration.

2.3.4.1 Recommended Practice. As an alternative to Standard 2.3.4, public authorities may accept a copy of the transport document signed or authenticated in accordance with Standard 2.3.3, or certified as a true copy, if the nature and quantity of cargo make this practicable and provided that any data required and identified in accordance with Recommended Practice 2.3.1 and Standard 2.3.2 which does not appear in such documents is also furnished elsewhere and duly certified.

The required information to be furnished to public authorities could also be met with other commercial documents other than the manifest, such as the Bill of Lading or the Sea Waybill. In most cases these documents contain more detailed information on the shipment

compared to the manifest. When other commercial documents, which are acceptable for public authorities, do not contain all the required information of the Cargo Declaration this additional information could be furnished separately. This is feasible in an electronic environment. The separate lodging of information on paper is on the other hand impractical. Public authorities should include in their national legislation rules to ensure the liability of the supplier of the commercial documents.

2.3.5 Standard. Public authorities shall allow unmanifested parcels in possession of the master to be omitted from the Cargo Declaration provided that particulars of these parcels are furnished separately.

In cases where the Cargo Declaration is not made and lodged by the master, but by an agent or another authorized person, it is practical to allow that the relevant information is furnished by the master in an alternative manner. It must be clear to the master that he takes responsibility for the act of lodging a declaration, for which the relevant obligations apply. Particulars of unmanifested parcels should be furnished on a separate form and should include relevant parts of the information normally shown in the Cargo Declaration. The Cargo Declaration form (IMO FAL Form 2) should be used, with the title amended, e.g., to read: "Unmanifested Parcels List".

2.4 Standard. The Ship's Stores Declaration shall be the basic document on arrival and departure providing information required by public authorities relating to ship's stores.

Ships operating in international waters remain offshore for longer periods. It is a matter of course that the supplies for the crew are available in sufficient quantities. This includes not only food supplies, but also non-alcoholic and alcoholic beverages and other consumer goods. In most cases these goods are bought without payment of duties and taxes, because of their consumption and use in international waters. It is clear that these goods are of special interest for public authorities, especially Customs, at arrival in a port. For that reason a separate declaration is required to inform Customs of the supplies on board. The Ship's Stores Declaration has been developed for that purpose. Where high revenue goods are concerned it is customary in many ports that these goods are placed in a secure space on the ship to guarantee that they will remain on board. Such a space may be provided with a seal. Customs allow for a certain amount of cigarettes and alcoholic beverages to be in the possession of the crew member without the payment of duties and taxes related to the period of stay in the port. In many countries it is common to include also other goods in the Ship's Stores Declaration, such as bunkers, weapons and spare parts.

2.4.1 Standard. Public authorities shall accept that the Ship's Stores Declaration is either dated and signed by the master or by some other ship's officer duly authorized by the master and having personal knowledge of the facts regarding the ship's stores, or authenticated in a manner acceptable to the public authority concerned.

See explanatory notes to Standard 2.2.3 on the dating and signing of the General Declaration.

2.5 Standard. The Crew's Effects Declaration shall be the basic document providing information required by public authorities relating to crew's effects. It shall not be required on departure.

Crew members often stay on board for long periods and to make their stay comfortable and pleasant, their cabins will contain personal items and entertainment equipment, such as a television set, sound equipment and a computer. As with the ship's stores, the crew's effects will

remain on board ship and be re-exported at departure. To ensure that all the crew's effects are re-exported, public authorities may require at arrival a crew's effects list with all the personal items in possession of crew members. The information regarding the items on the crew's effects list should also include the items for which certain countries have import restrictions, such as medicines and weapons. For such items public authorities could take specific measures. Such items could, for example, be stored in a secure space, where possible the same space as for the ship's stores.

2.5.1 Standard. Public authorities shall accept that the Crew's Effects Declaration is either dated and signed by the master or by some other ship's officer duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned. The public authorities may also require each crew member to place his signature, or, if he is unable to do so, his mark, against the declaration relating to his effects.

See explanatory notes to Standard 2.2.3 on the dating and signing of the General Declaration.

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.

Most countries have in their (Customs) legislation provisions for the relief of duties and taxes at import for articles with a low value, clothes, other personal effects and consumer goods to a certain amount, especially for high taxed goods such as cigarettes and alcoholic beverages. Relief of duties and taxes is normally granted for 200 cigarettes or 50 cigars or 250 grams of tobacco and 1 litre of spirits or 2 litres of wine. Public authorities should allow that those items are not included in the crew's effects list. Goods which normally would qualify for relief of duties and taxes, but are subject to prohibitions or restrictions in certain countries should be included in the crew's effects list, to enable the public authorities to enforce these prohibitions and restrictions. Other items which normally qualify for relief are, e.g., clothes and toiletries.

2.6 Standard. The Crew List shall be the basic document required by public authorities containing data relating to the number and composition of the crew on the arrival and departure of a ship.

Based on the information on the crew list public authorities, in particular the immigration authorities, can make an assessment on the admittance or departure of crew members or the application of simplified procedures for crew members, or where necessary the application of specific formalities. Immigration authorities could allow for the advance lodgement of the information included in the crew list, in order to assess the information before the arrival of the ship.

2.6.1 Standard. In the Crew List, public authorities shall not require more than the following data:

- name and IMO number of ship
- flag State of ship
- call sign
- voyage number
- family name

- **given names**
- **nationality**
- **rank or rating**
- **date and place of birth**
- **nature and number of identity document**
- **port and date of arrival**
- **last port of call.**

The information in the crew's list is a combination of the information regarding the ship, its crew and their position on board. With that information, the immigration authorities are able to make an overall judgement concerning the admissibility of the crew.

2.6.2 Standard. Public authorities shall accept that the Crew List is either dated and signed by the master or by some other ship's officer duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.

See explanatory notes to Standard 2.2.3 on the dating and signing of the General Declaration.

2.6.3 Not in use.

2.6.4 Recommended Practice. In cases where a ship, serving in a scheduled programme, calls again at the same port at least once within 14 days and where minor changes in the crew have taken place, public authorities should not normally require a new, full Crew List to be submitted but should accept the existing Crew List with the changes indicated.

Where possible and to simplify the formalities, public authorities could, in respect of a regular service where the composition of the crew is only slightly changed, be satisfied with a copy of an earlier crew list including the appropriate amendments. Apart from the benefit that the formalities are facilitated as much as possible, the advantage for the immigration authorities would be that their assessment of the information could concentrate on the amended information and not again on the information supplied earlier. Public authorities could also provide for alternative methods of notifying amendments to the crew list, for example by electronic means, or even a waiver of the notification, whereby only a new crew list will be provided if the composition of the crew has changed. In certain countries it is possible that the recent security requirements make it necessary that this simplification of the formalities is reconsidered.

2.7 Standard. The Passenger List shall be the basic document required by public authorities containing the data relating to passengers on the arrival and departure of a ship.

The formalities for the admittance or departure of passengers are possibly different from the rules or practices applicable to crew members, due to their nature, i.e. a crew member has a relationship with the ship and has limited possibilities to travel freely and withdraw from his duties and obligations, while a passenger, in general, is free to travel and is independent from his means of transport.

Immigration authorities can, based on the information on the passenger list, make a first assessment on the admittance or departure of passengers. This could be followed by an individual control of the passenger and his/her identity document and/or visas. The advance lodgement of the information included in the passenger list and the subsequent assessment by the Immigration authorities before the arrival of the ship, preferably on the basis of risk management, will facilitate the flow of passengers in a port with a minimum of delay, especially with ships with a large number of passengers, for example cruise ships.

2.7.1 Not in use.

2.7.2 Recommended Practice. Public authorities should not require embarkation or disembarkation cards in addition to Passenger Lists in respect of passengers whose names appear on those Lists. However, where public authorities have special problems constituting a grave danger to public health, a person on an international voyage may on arrival be required to give a destination address in writing.

Embarkation or disembarkation cards have more or less the same function as the passengers' list. With these documents, Immigration authorities can collect the information regarding arriving or departing passengers. A passenger list is a recapitulation of the information on all the passengers. Where possible duplication of information should be avoided and where a passenger list is required no embarkation or disembarkation cards should be required. The passenger list does not contain information on the destination address of the passenger. Where such information is required it could be submitted separately or included in the passenger list.

2.7.3 Recommended Practice. In the Passenger List, public authorities should not require more than the following data:

- name and IMO number of ship
- call sign
- flag State of ship
- voyage number
- family name
- given names
- nationality
- date of birth
- place of birth
- type of identity or travel document supplied by the passenger
- serial number of identity or travel document port of embarkation
- port of disembarkation
- port and date of arrival of the ship
- transit passenger or not.

With the information contained in the passenger list, the immigration authorities are able to make an overall judgement regarding the admissibility of the passenger on board a ship. The information in the passenger list is related to the information regarding the ship, the particulars of the voyage of the ship and its passengers, the individual information of the passenger and the identity documents. A visa may be an admission requirement in some countries. Where it is required to submit the information regarding the visa, such as type, and the number of the visa, it would facilitate the procedures if this information were included in the passenger list if there is sufficient space available.

2.7.4 Recommended Practice. A list compiled by the shipowners for their own use should be accepted in place of the Passenger List, provided it contains at least the information required in accordance with Recommended Practice 2.7.3 and is dated and signed or authenticated in accordance with Standard 2.7.5.

In order to simplify the required formalities and to avoid duplication of information it makes essentially no difference if the information to be submitted is presented in another manner. Immigration authorities should accept a document with the layout of another list compiled by the shipowner or another authorized person assuming that the information on the passenger list is included and the document is duly signed. A comparison can be made to an electronic declaration containing the required information, where the presentation or the layout of the message is secondary to the information contained in the electronic declaration.

2.7.5 Standard. Public authorities shall accept that the Passenger List is either dated and signed by the master, the ship's agent or some other person duly authorized by the master, or authenticated in a manner acceptable to the public authority concerned.

See explanatory notes to Standard 2.2.3 on the dating and signing of the General Declaration.

2.8 Standard. The Dangerous Goods Manifest shall be the basic document providing public authorities with the information regarding dangerous goods.

A safe maritime environment is one of the main objectives of the International Maritime Organization. Dangerous goods may impede a safe environment if not treated for their specific nature. To ensure a safe environment it is necessary that the responsible public authorities have access to the relevant information. The Cargo Declaration is not specifically intended for and does not include information on dangerous goods. For this purpose a separate IMO FAL Form (Form 7) has been developed, the Dangerous Goods Manifest. In many countries the port authorities or another specialized agency will have the responsibility for the handling and management of dangerous goods in a port.

2.8.1 Standard. In the Dangerous Goods Manifest public authorities shall not require more than the following information:

- **Name of ship**
- **Call sign**
- **IMO number**
- **Flag State of ship**
- **Master's name**

- **Voyage number**
- **Port of loading**
- **Port of discharge**
- **Shipping agent**
- **Booking/reference number**
- **Marks and numbers**
 - **container ID No(s).**
 - **vehicle Reg. No(s).**
- **Number and kind of packages**
- **Proper shipping name**
- **Class**
- **UN Number**
- **Packing group**
- **Subsidiary risk(s)**
- **Flashpoint (in °C, c.c.)**
- **Marine Pollutant**
- **Mass (kg) – gross/net**
- **EmS**
- **Stowage position on board**
- **Additional information.**

The Dangerous Goods Manifest (IMO FAL Form 7) provides public authorities with specific information to enable them to apply the specific measures for certain dangerous goods. Next to the general information of the ship, the agent and weight, the Dangerous Goods Manifest contains detailed and specific information, such as the UN Dangerous Goods number for the correct classification, the flashpoint for inflammable goods and the stowage position on board for quick orientation on the ship.

2.9 Standard. Public authorities shall not require on arrival or departure of the ship any written declaration in respect of postal items other than that prescribed in the Universal Postal Convention, provided the latter is actually produced. In the absence of such a document, the postal objects (number and weight) must be shown in the Cargo Declaration.

The Universal Postal Convention provides for special procedures for the treatment of postal items including the use of special documents. What is meant by postal items is defined in the Universal Postal Convention and grouped by type (letters, parcels, etc.) weight and/or value. Where the postal documents can be presented at arrival or departure, accompanying the postal consignments, public authorities shall waive the requirement for an additional Cargo Declaration. It is self-evident that where the specific postal documents are not available, the postal consignments will be treated as normal goods without the advantages of the special procedures provided for in the Universal Postal Convention. In that case the postal consignments have to be included in the Cargo Declaration.

2.10 Standard. The Maritime Declaration of Health shall be the basic document containing the data required by port health authorities relating to the state of health on board a ship during the voyage and on arrival at a port.

The Maritime Declaration of Health is in particular destined for the health authorities of the port of call. The particulars to be reported are the number of crew and/or passengers and if there have been any cases or suspected cases of, e.g., plague, cholera, yellow fever, smallpox, etc., on board during the voyage. Information on any cases of death, or infectious diseases have also to be provided as well as any relevant information which may be important for the health authorities. Based on the information provided, the health authorities can take appropriate measures, such as assistance from a doctor, a physician for infectious diseases, ambulance assistance or quarantine measures. In this context, see also the provisions of the Convention and their explanatory notes in part H of this section, on special measures of facilitation for ships calling at ports in order to put ashore sick or injured crew members, passengers, persons rescued at sea or other persons for emergency medical treatment.

C. Documents on arrival

2.11 Standard. In respect of a ship's arrival in port, public authorities shall not require more than:

- **5 copies of the General Declaration**
- **4 copies of the Cargo Declaration**
- **4 copies of the Ship's Stores Declaration**
- **2 copies of the Crew's Effects Declaration**
- **4 copies of the Crew List**
- **4 copies of the Passenger List**
- **1 copy of the Dangerous Goods Manifest**
- **1 copy of the Maritime Declaration of Health.**

The number of copies to be furnished is more or less related to the number of public authorities which may have an interest in the information in the declarations. With the increasing use of information technology, copies are often replaced by a number of electronic messages for each public authority. The latter could be simplified and reduced with the use of the Single Window concept where the information for all public authorities can be lodged at a single point.

D. Documents on departure

2.12 Standard. In respect of a ship's departure from port, public authorities shall not require more than:

- 5 copies of the General Declaration
- 4 copies of the Cargo Declaration
- 3 copies of the Ship's Stores Declaration
- 2 copies of the Crew List
- 2 copies of the Passenger List
- 1 copy of the Dangerous Goods Manifest.

See the explanatory notes to Standard 2.11 on the number of copies to be furnished on arrival.

2.12.1 Standard. A new Cargo Declaration shall not be required on departure from a port in respect of cargo which has been the subject of a declaration on arrival in that port and which has remained on board.

Based on Standard 2.3.2, public authorities shall only require brief details of cargo remaining on board at arrival. Logically the requirements at departure shall be comparable. Where the cargo destined for another country remained on board and the brief details of the cargo have been included in the Cargo Declaration, public authorities shall be satisfied with that information. A new Cargo Declaration would not contain any new information regarding the cargo.

2.12.2 Recommended Practice. A separate Ship's Stores Declaration on departure should not be required in respect of ship's stores which have been the subject of a declaration on arrival, nor in respect of stores shipped in the port and covered by another customs document presented for the purpose in that port.

The main purpose of the Ship's Stores Declaration is to supervise the temporary importation of the ship's stores and their subsequent re-exportation. For public authorities, e.g., Customs, it is possible to check if the stores are still present, based on the information contained in the Ship's Stores Declaration on arrival. A separate Ship's Stores Declaration would be a repetition of the information on arrival. Where necessary the notification of departure could be made on the Ship's Stores Declaration lodged on arrival. Information regarding stores supplied to the ship during its stay in the port may be added to the Ship's Stores Declaration already present or may be cleared for exportation separately, e.g., with an export declaration.

2.12.3 Standard. Where public authorities require information about the crew of a ship on its departure from the port, one of the copies of the Crew List presented on arrival at the port shall be accepted on departure, provided it is signed again by the master or an officer duly authorized by him, and endorsed to indicate any change in the number or composition of the crew at the time of the ship's departure or to indicate that no such change has occurred during the ship's stay in the port.

2.13*

* Numbers in the 2.13 series are reserved for future use.

E. Consecutive calls at two or more ports in the same State

2.14 Recommended Practice. Taking into account the procedures carried out on the arrival of a ship at the first port of call in the territory of a State, the formalities and documents required by the public authorities at any subsequent port of call in that country visited without intermediate call at a port in another country should be kept to a minimum.

Where a ship will call at different ports in the same State, the procedure should be simplified by requiring only one General Declaration on arrival at the first port of call and only one General Declaration on departure at the last port of call in the same State. Where necessary, the public authorities in the first port of call should provide the public authorities in the subsequent port of call in the same State with the information from the General Declaration either by a copy of the General Declaration on arrival or preferably by electronic means. Regarding the cargo, public authorities may accept a separate Cargo Declaration for each subsequent port of call in the same State containing the information of the cargo to be unloaded in that port. For the other formalities the public authorities in the subsequent port of call in the same State should accept the Ship's Stores Declaration, Crew's Effects List, Crew List and the Passenger List already lodged at the first port of call. Public authorities may waive the requirement to lodge declarations on departure, when the ship will call at one or more subsequent ports of call in the same State.

F. Completion of documents

2.15 Recommended Practice. Public authorities should as far as possible accept the documents provided for in this annex, except as regards Standard 3.7, irrespective of the language in which the required data is furnished thereon, provided that they may require a written or oral translation into one of the official languages of their country or of the Organization when they deem it necessary.

Maritime traffic is by definition internationally orientated, where only a few languages dominate communications between the parties involved. The IMO FAL Forms are already available in the official languages of the Organization. Therefore it would facilitate international maritime traffic if these languages are used on the IMO FAL Forms and accepted by public authorities. This would only be possible if the parties involved are able to work with these languages. If that is not the case, a compromise should be found when the language used in the IMO FAL Forms is one of the official languages of the Organization and the details to be furnished in the language of the visiting country. A written translation should also be accepted by the public authorities of the visiting country or even an oral translation. The latter however could be the basis for ambiguity or liability disputes and should only be used in clear situations.

2.16 Standard. Public authorities shall accept documents conveyed by any legible and understandable medium, including documents handwritten in ink or indelible pencil or produced by the use of information technology.

The manner in which documents are presented to the public authorities should be as broad as possible. It may include paper forms, filled by hand, pre-printed forms including the general information, such as the information on the ship, while the other information is added by hand. It is also possible that the information, including the layout of the form, is printed in a single process on blank paper. First and foremost the required information could be provided by electronic means. Public authorities should bring their legislation in line with these modern means of communication and develop, where possible and desirable, systems for the exchange of information. See also Section 1, B and C of this Annex.

2.16.1 Standard. Public authorities shall accept a signature, when required, in handwriting, in facsimile, perforated, stamped, in symbols, or made by any other mechanical or electronic means, if such acceptance is not inconsistent with national laws. The authentication of information submitted on non-paper media shall be in a manner acceptable to the public authority concerned.

At the bottom of each of the FAL Forms there is a space to place a signature. Where a signature is mandatory, most countries have regulations on the requirements for the authentication of official documents. There are several methods possible for signing a document, by hand, using a stamp, coding, pre-printed documents, etc. Public authorities should accept as wide as possible the available methods of authentication. Where it is possible to exchange information electronically, the manner in which the validation of the electronic message has to be performed should be based on international standards and included in the user requirements of the electronic system and made easily available for the user. See also Standard 2.2.3.

2.17 Standard. Public authorities of the country of any intended port of arrival, discharge, or transit shall not require any document relating to the ship, its cargo, stores, passengers or crew, as mentioned in this section, to be legalized, verified, authenticated, or previously dealt with by any of their representatives abroad. This shall not be deemed to preclude a requirement for the presentation of a passport or other identity document of a passenger or crew member for visa or similar purposes.

This Standard is related to Standard 2.1.1 where public authorities shall not require or impose consular formalities, charges or fees with the documents for clearance. Standard 2.17 requires public authorities not to apply additional formalities that go together with the presentation of the IMO FAL Forms or other documents, just to simplify the formalities and to reduce costs for both the maritime industry and the public authorities. In addition, such an additional burden will hamper the efficient operations in a port. It is obvious that for immigration purposes, passports, other identity documents and visas have to fulfil the standard requirements related to the legalization or authorization of these documents.

G. Errors in documentation and penalties therefor

2.18 Standard. Public authorities shall, without delaying the ship, allow correction of errors in a document provided for in this annex which they are satisfied are inadvertent, not of a serious nature, not due to recurrent carelessness and not made with intent to violate laws or regulations, on the condition that these errors are discovered before the document is fully checked and the corrections can be effected without delay.

It is important that a ship is allowed to continue its journey after all formalities have been performed. Where it is found that errors in the declaration are minor and made unintentionally, it should not delay the departure of the ship and corrections should be allowed. National legislation should prescribe in which situations corrections are allowed, for example a certain time period or a certain percentage, e.g., for bulk cargo in the Cargo declaration. It should also be prescribed that it is the responsibility of the declarant to ensure that the public authorities are informed about the errors without delay. In many countries it is not allowed to make any corrections in the declaration once a declaration has been subject to a check by the public authorities.

2.19 Standard. If errors are found in documents provided for in this annex which have been signed by or on behalf of a shipowner or master, or otherwise authenticated, no penalties shall be imposed until an opportunity has been given to satisfy the public authorities that the errors were inadvertent, not of a serious nature, not due to recurrent carelessness and not made with intent to violate the laws or regulations of the port State.

When public authorities have allowed correction of the declaration, because of the nature of the errors and the public authorities are satisfied that they have not been made deliberately, a penalty would be disproportionate to the minor offence. When it is discovered that the errors have been made with the intention to violate the law, for example when the errors would result in the payment of less duties and taxes or avoiding import restrictions and prohibitions, public authorities could reconsider their assessment regarding penalties.

H. Special measures of facilitation for ships calling at ports in order to put ashore sick or injured crew members, passengers, persons rescued at sea or other persons for emergency medical treatment

2.20 Standard. Public authorities shall seek the co-operation of shipowners to ensure that, when ships intend to call at ports for the sole purpose of putting ashore sick or injured crew members, passengers, persons rescued at sea, or other persons for emergency medical treatment, the master shall give the public authorities as much notice as possible of that intention, with the fullest possible details of the sickness or injury and of the identity of the persons.

To avoid practical problems and delay upon the arrival of the ship, States should ensure that it is clear with whom the shipowner or master must interact. Preferably there should be a single point of contact in line with the "Single Window" principle mentioned in Recommended Practices 1.2 and 1.8.1.

It is essential when putting ashore persons mentioned in this provision that public authorities co-operate with shipowners or agents established in their ports in order to make appropriate arrangements, so all parties know in advance which information is required. Shipowners or the agent will have to inform the masters of the ships in question, of the agreed information by the public authorities in cases of emergency. This will enable public authorities to respond quickly and simplify the operation in cases of emergency. In addition, public authorities can also provide for easy clearance procedures which could be realized by close co-operation between all public authorities involved.

2.21 Standard. Public authorities shall, by radio whenever possible, but in any case by the fastest channels available, inform the master, before the arrival of the ship, of the documentation and the procedures necessary to put the sick or injured persons ashore expeditiously and to clear the ship without delay.

Public authorities can take measures which will expedite the treatment of people in need for urgent help. This can be done by informing the master of the ship on the necessary requirements and procedures by radio or other methods of communication such as facsimile or e-mail.

2.22 Standard. With regard to ships calling at ports for this purpose and intending to leave again immediately, public authorities shall give priority in berthing if the state of the sick person or the sea conditions do not allow a safe disembarkation in the roads or harbour approaches.

Public authorities, in this case especially port authorities, have to provide for quick and easy access as well as a safe landing place in the port, if a ship cannot disembark the sick or injured persons at an earlier stage, for instance when approaching the port or when safe removal at sea is not possible.

2.23 Standard. With regard to ships calling at ports for this purpose and intending to leave again immediately, public authorities shall not normally require the documents mentioned in Standard 2.1 with the exception of the Maritime Declaration of Health and, if it is indispensable, the General Declaration.

To limit the formalities as much as possible in cases where the ship inevitably has to call at a port due to the circumstances dealt with in this section, public authorities shall, within national legislation, refrain from seeking information other than that contained in the Maritime Declaration of Health, developed by the World Health Organization. The master should however, as mentioned in Standard 2.20, provide the public authorities with the identity of the ill or injured persons as well as details of the injury or disease. This information could be sent by the master in advance, e.g., by electronic means. No request for information contained in the General Declaration should normally be required by public authorities, in cases where the ship intends to leave immediately after the sick or injured persons have been disembarked, and no unloading of goods or disembarking of other persons will take place.

2.24 Standard. Where public authorities require the General Declaration, this document shall not contain more data than those mentioned in Recommended Practice 2.2.2 and, wherever possible, shall contain less.

In cases where the General Declaration will be required in spite of the urgent circumstances, the information to be given in the General Declaration shall be limited as much as possible. Public authorities should take into account that the basic information contained in the General Declaration is also available in the Maritime Declaration of Health. As a solution, a copy of the Maritime Declaration of Health should be used as the General Declaration or be attached to a blank General Declaration form.

2.25 Standard. Where the public authorities apply control measures related to the arrival of a ship prior to sick or injured persons being put ashore, emergency medical treatment and measures for the protection of public health shall take precedence over these control measures.

Emergency medical treatment and measures shall not be interfered with nor hindered by control measures related to the arrival of a ship. These control measures are normally performed by other public authorities than health authorities. Co-operation between all authorities involved is therefore essential in order to avoid obstruction of the work performed by the health authorities and not to unduly delay the departure of the ship. The development of emergency plans and scenarios where the tasks of all authorities involved are described will help the efficient performance of all parties. A reference could be included in the emergency plans to the International Health Regulations, which contains procedures for disembarking persons, suffering from infectious diseases that present significant harm to other humans.

2.26 Standard. Where guarantees or undertakings are required in respect of costs of treatment or eventual removal or repatriation of the persons concerned, emergency medical treatment shall not be withheld or delayed while these guarantees or undertakings are being obtained.

Financial considerations shall not be a reason to slow down the emergency medical treatment of persons.

2.27 Standard. Emergency medical treatment and measures for the protection of public health shall take precedence over any control measures which public authorities may apply to sick or injured persons being put ashore.

The Standard relates to any control measures in comparison to Standard 2.25, which is only concerned with control measures related to the arrival of a ship. Control measures normally related to persons, including sick or injured persons, are mostly performed by immigration authorities. These controls can and should be performed at a later stage after the sick or injured persons have received emergency medical treatment or measures have been taken to protect the public health. An immigration official can accompany the sick or injured person, if warranted, in order to facilitate processing of that person and mitigate any risks that may be associated with processing the person at a later stage or after the administration of medical treatment.

Section 3 – Arrival and departure of persons

This section contains the provisions concerning the formalities required by public authorities from crew and passengers on the arrival or departure of a ship.

A. Arrival and departure requirements and procedures

3.1 Standard. A valid passport shall be the basic document providing public authorities with information relating to the individual passenger on arrival or departure of a ship.

To aid in the determination of a person's identity, each country may designate document alternatives to the passport for purposes of cross-border travel. The personal information contained in a passport should be the minimum information provided on a passenger or crew member. Upon arrival the public authorities may request additional information.

3.1.1 Recommended Practice. Contracting Governments should as far as possible agree, by bilateral or multilateral agreements, to accept official documents of identity in lieu of passports.

A Contracting Government should, when practicable, accept any conforming identity document that would allow the applicant to return to their country of residence as long as it meets the statutory requirements of the accepting Government.

3.2 Standard. Public authorities shall make arrangements whereby passports, or official documents of identity accepted in their place, from ship's 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.

Public authorities should ensure that ship's passengers' travel documents are inspected by immigration officials upon arrival and before departure. The master of the vessel controls the documents and is therefore responsible to ensure they are presented to the inspecting authorities. Inspections by public authorities shall be limited, when possible and according to national legislation, to the arrival and departure of the vessel, but does not preclude additional inspections for circumstances involving security matters or where deemed appropriate and warranted by public authorities.

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.

Public authorities shall not retain original documentation unless further examination of the passenger applying for admission is necessary. Once a determination of admissibility is reached the documents should be turned over to either the master of the vessel or the applicant.

3.3.1 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 responsible for 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.

The use of fraudulent documents has always been a concern of public authorities. When encountered, those documents will be seized and removed from circulation to prevent further fraud and misuse. A covering letter, or other form issued by the seizing authority, will be issued to the party responsible for the removal of the applicant. For example, if the applicant is travelling by air, this letter should meet ICAO standards. This is to provide the receiving Government with information relating to the applicant's use of a fraudulent document. This does not prevent the public authorities from acting in accordance with their laws and regulations on the processing of applicants who utilize fraudulent travel documents to include, but not limited to the right to pursue criminal prosecution or use of the documents as evidence in criminal proceedings or investigative purposes.

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 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 prohibitions of the expulsion or return of a refugee.

3.3.2 Standard. Contracting Governments shall accept for examination a person being returned from his point of disembarkation after having been found inadmissible if this person had embarked in their territory. Contracting Governments shall not return such a person to the country where he was earlier found to be inadmissible.

* A possible format for a covering letter is given in appendix 2 of the Convention.

Contracting Governments shall accept the return of a person who had been previously granted landing privileges or admitted to that territory, if that person was denied entry at the next port. The Contracting Government still maintains the right to process the person in accordance with laws and regulations pertaining to the return of that person to her/his territory. The Contracting Government may not return the person back to the country that found the applicant inadmissible.

This provision is not intended to prevent public authorities from further examining a returned inadmissible person to determine his eventual acceptability in the State or make arrangements for his transfer, removal or deportation to a State of which he is a national or where he is otherwise acceptable. Where a person who has been found to be inadmissible has lost or destroyed his travel document, a Contracting Government will accept instead a document attesting to the circumstances of embarkation and arrival issued by the public authorities of the Contracting Government where the person was found to be inadmissible.

Nothing in this Standard or the paragraph above 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.

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.

The shipowner remains the responsible party until the passengers and/or crew are presented for inspection for admission into the State. This is to ensure that all persons on board are presented to the public authorities for inspection. The shipowner is held accountable for those passengers or crew who disembark prior to inspection by the public authorities.

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.

Contracting Governments should ensure that the inspection area is safe and secure for the arriving persons. Once the inspection is complete the person may either be admitted to the State or returned to the custody and care of the shipowner. Once a crew member has been granted temporary landing privileges and the crew member is no longer in the physical control of the Contracting Government, the shipowner resumes responsibility for the custody and care of the crew member.

3.3.5 Standard. The obligation of a shipowner to transport any person away from the territory of a State shall terminate from the moment such a person has been definitely admitted into that State.

Once a person has been admitted to a State, the arriving person becomes the responsibility of that State in conformance with that State's national legislation as applicable. The responsibility of the shipowner lies in those persons not admitted to the State. A crew member who has been granted temporary landing privileges is still under the shipowner's responsibility.

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 stay and 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.

The shipowner retains responsibility and will bear all costs involved for all persons determined to be inadmissible to that State. After the determination is made, the shipowner must actively facilitate the removal of the person within a reasonable time. The removal should occur with the co-operation of the public authorities and by the same ship or another ship of the same shipowner, aircraft or by any other means. This does not preclude the State from requesting the applicant be detained on board and require safeguarding, when necessary.

3.3.7 Standard. Contracting Governments and shipowners shall co-operate, where practicable, to establish the validity and authenticity of passports and visas.

Contracting Governments and shipowners shall make every effort to verify the validity of the document. If a shipowner encounters a document that appears questionable every effort should be made to verify the document prior to departing.

3.4 Recommended Practice. Public authorities should not require from embarking or disembarking passengers, or from shipowners on their behalf, any information in writing supplementary to or repeating that already presented in their passports or official documents of identity, other than as necessary to complete any documents provided for in this annex.

The information provided to the public authorities should be limited to the information required to establish the identity and admissibility of the passenger or crew member. Information provided in a passenger manifest should, at a minimum, contain the basic information contained in the person's passport or travel documents.

3.5 Recommended Practice. Public authorities which require written supplementary information, other than as necessary to complete any documents provided for in this annex, from embarking or disembarking passengers should limit requirements for further identification of passengers to the items set forth in Recommended Practice 3.6 (embarkation/disembarkation card). Public authorities should accept the embarkation/disembarkation card when completed by the passenger and should not require that it be completed or checked by the shipowner. Legible handwritten script should be accepted on the card, except where the form specifies block lettering. One copy only of the embarkation/disembarkation card, which may include one or more simultaneously prepared carbon copies, should be required from each passenger.

3.6 Recommended Practice. In the embarkation/disembarkation card, public authorities should not require more than the following information:

- family name
- given names

- **nationality**
- **number of passport or other official identity document**
- **date of birth**
- **place of birth**
- **occupation**
- **port of embarkation/disembarkation**
- **sex**
- **destination address**
- **signature.**

In the case that public authorities require a written statement on the passenger's identity with the intention of retaining that information, the information mentioned in this Recommended Practice should be sufficient. With that information public authorities should be able to perform the necessary checks on the admissibility of a passenger.

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 forms provided for in the International Health Regulations.

Public authorities may accept other forms of certification, if their national legislation allows. However, at a minimum they shall accept the International Health Regulations approved forms.

3.8 Recommended Practice. Medical examination of persons on board or of persons disembarking from ships should normally be limited to those persons arriving from an area infected with quarantinable diseases within the incubation period of the disease concerned (as stated in the International Health Regulations). Additional medical examination may, however, be required in accordance with the International Health Regulations.

To avoid unnecessary medical examinations and a delay in the efficient and undisturbed flow in the release of persons arriving in a country, medical examinations should only be carried out when this is recommended or required under the rules of the World Health Organization in circumstances and for a period determined by that Organization.

3.9 Recommended Practice. Public authorities should normally perform customs inspections of inbound passengers' accompanied baggage on a sampling or selective basis. Written declarations in respect of passengers' accompanied baggage should be dispensed with as far as possible.

Public authorities should only perform inspections on baggage in order to ensure compliance with national legislation. When possible and where regulation and other laws allow, an oral declaration may be taken in place of a written declaration.

3.9.1 Recommended Practice. Public authorities should, wherever possible, waive inspections of accompanied baggage of departing passengers, with due regard to the possible need to impose appropriate security measures.

Public authorities may waive baggage inspections for passengers if allowed under national legislation and if the public authority concludes that waiving such inspections would be consistent with security, public health and all other law enforcement or public interest considerations.

3.9.2 Recommended Practice. Where inspection of accompanied baggage of departing passengers cannot be waived completely, such inspection should normally be performed on a sampling or selective basis.

When baggage inspections cannot be waived, public authorities should, whenever possible and permitted under the national legislation, only conduct baggage inspections on a selective basis using risk management techniques, such as described in Standard 1.11.

Where feasible, baggage checks should also be performed with the use of modern inspection techniques, such as scanning and/or the use of inspection dogs. Basic rules for the treatment of passengers can be found in the specific Annex J, Chapter 1 on Travellers of the Revised Kyoto Convention.

3.10 Standard. A passport or an identity document issued in accordance with relevant ILO conventions, or else a valid and duly recognized seafarer's identity document, shall be the basic document providing public authorities with information relating to the individual member of the crew on arrival or departure of a ship.

The information contained in a valid seafarer's identity document or a passport will be the basic information provided to public authorities. The public authorities may request additional information if required to determine admissibility. Public authorities may also require a valid passport and visa if required by national legislation.

3.10.1 Standard. In the seafarer's identity document, public authorities shall not require more than the following information:

- family name
- given names
- date and place of birth
- nationality
- physical characteristics
- photograph (authenticated)
- signature
- date of expiry (if any)
- issuing public authority.

These data elements on the seafarer's identity document shall be the information required by public authorities to make a determination of identity in countries that accept the seafarer's identity document.

3.10.2 Standard. When it is necessary for a seafarer to enter or leave a country as a passenger by any means of transportation for the purpose of:

- (a) joining his ship or transferring to another ship,
- (b) passing in transit to join his ship in another country, or for repatriation, or for any other purpose approved by the authorities of the country concerned,

public authorities shall accept from that seafarer in place of a passport the valid seafarer's identity document, when this document guarantees the readmission of the bearer to the country which issued the document.

In situations where a seafarer is travelling as a passenger en route to join another ship or ending a contract and repatriating, the seafarer's identity document shall be accepted by public authorities for the purposes of travel and re-admission to the country of issuance of the seafarer identity document, where permissible under the national legislation of the State in which the seafarer is located. This does not preclude the need for a passport and visa, where it is required by national legislation.

3.10.3 Recommended Practice. Public authorities should not normally require presentation of individual identity documents or of information supplementing the seafarer's identity document in respect of members of the crew other than that given in the Crew List.

On many vessels, crew members' travel documents are retained by the master or any other duly authorized ship officer in a secure location. There are several reasons for this practice, including the prevention of crew from deserting while on shore leave.

As a result crew often only have access to their documents while in the presence of the master of the vessel, while in some instances the crew may need their documents for identification purposes when on shore leave.

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

3.11 Recommended Practice. Public authorities should, with the co-operation of shipowners and port authorities, take appropriate measures to the end that satisfactory port traffic flow arrangements may be provided so that passengers, crew and baggage can be cleared rapidly, should provide adequate personnel, and should ensure that adequate installations are provided, particular attention being paid to baggage loading, unloading and conveyance arrangements (including the use of mechanized systems) and to points where passenger delays are frequently found to occur. Arrangements should be made, when necessary, for passage under shelter between the ship and the point where the passenger and crew check is to be made. Such arrangements and installations should be flexible and capable of expansion to meet increased security measures during higher threat situations.

Public authorities, shipowners and port authorities should co-operate to facilitate the flow of passengers, crew and baggage from the ship to ensure that there are no unnecessary delays and that the facilities in which the passengers and crew are processed are appropriate.

3.11.1 Recommended Practice. Public authorities should:

- (a) in co-operation with shipowners and port authorities, introduce suitable arrangements, such as:**
 - (i) an individual and continuous method of processing passengers and baggage;**
 - (ii) a system which would permit passengers readily to identify and obtain their checked baggage as soon as it is placed in an area where it may be claimed;**
 - (iii) ensuring that facilities and services are available to meet the needs of elderly and disabled passengers;**
- (b) ensure that port authorities take all necessary measures so that:**
 - (i) easy and speedy access for passengers and their baggage, to and from local transport, is provided;**
 - (ii) if crews are required to report to premises for governmental purposes, those premises should be readily accessible, and as close to one another as practicable.**

Public authorities, in conjunction with port authorities, should implement practices to facilitate the expeditious processing of passengers and baggage, with special consideration for elderly and disabled passengers.

3.11.2 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.

Where operationally feasible, public authorities should consider implementing a dual-channel system in connection with the clearance of passengers and their baggage. This system can facilitate the flow of passenger traffic at international seaports without reducing the effectiveness of Customs control. Each channel should be clearly and distinctively marked so that the choice between them can easily be understood by passengers.

3.12 Standard. Public authorities shall require that shipowners ensure that ship's personnel take all appropriate measures which will help expedite arrival procedures for passengers and crew. These measures may include:

- (a) furnishing public authorities concerned with an advance message giving the best estimated time of arrival, followed by information as to any change in time, and stating the itinerary of the voyage where this may affect inspection requirements;**

* Reference is made to Recommended Practice 6 of specific Annex J, Chapter 1, of the Revised Kyoto Convention (1999) and its Guidelines.

- (b) **having ship's documents ready for prompt review;**
- (c) **providing for ladders or other means of boarding to be rigged while the ship is en route to berth or anchorage; and**
- (d) **providing for prompt, orderly assembling and presentation of persons on board, with necessary documents, for inspection, with attention to arrangements for relieving crew members for this purpose from essential duties in engine-rooms and elsewhere.**

(a) Public authorities should implement procedures for shipowners to provide advanced notification of arrival times, when possible, to allow the inspecting authorities sufficient time to arrive at the inspection site.

(b) Public authorities should ensure that the shipowners have the ship's documents readily available for the inspecting authorities.

(c) Public authorities should require the shipowners to provide adequate means of boarding the vessel at the time of arrival by rigging ladders or other means of boarding while en route. This will facilitate the timely boarding of the inspecting authorities.

(d) Public authorities should require that shipowners present the passengers and crew in an orderly fashion, with the appropriate documentation for inspection. Shipowners should make the necessary arrangements for crew member inspections, taking into consideration crew changes for essential duties on board the vessel.

3.13 Recommended Practice. The practice of entering names on passenger and crew documents should be to put the family name or names first. Where both paternal and maternal family names are used, the paternal family name should be placed first. Where for married women both the husband's and wife's paternal family names are used, the husband's paternal family name should be placed first.

By providing a consistent format for name indexing, passenger and crew processing can be facilitated. The use of the family name first, and paternal last name first, in the instance where multiple names are used, provides easy reference for the inspecting authority to locate persons on passenger or crew lists.

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

Public authorities shall process persons for examination as to their admissibility in a manner which facilitates the timely disembarkation of such persons. Such examination may take place on board a ship or in a designated facility ashore.

3.15 Recommended Practice. Public authorities should not impose unreasonable or disproportionate fines upon shipowners, in the event that any control document in possession of a passenger is found by public authorities to be inadequate, or if, for that reason, the passenger is found to be inadmissible to the State.

For the very reason that in general a shipowner or the crew will not be able to perform checks on the validity and authenticity of a travel document, it would be unreasonable to impose fines or penalties for such an occurrence. On the other hand it can be expected that the shipowner or the crew on its ship are able to assess to normal requirements for the entry in the country of destination, such as a valid passport and a valid visa.

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.

To avoid a situation whereby a passenger is not admissible to a State due to incomplete documentation, shipowners should not accept passengers that do not have the proper documentation or authorization to enter the onward State under that State's national legislation.

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.

Except where prohibited by national legislation of the State, shipowners are not precluded from seeking to recover the costs they incurred during the removal process from the inadmissible person.

3.15.3 Recommended Practice. For use at marine terminals and on board ships in order to facilitate and expedite international maritime traffic, public authorities should implement or, where the matter does not come within their jurisdiction, recommend responsible parties in their country to implement standardized international signs and symbols developed or accepted by the Organization in co-operation with other appropriate international organizations and which, to the greatest extent practicable, are common to all modes of transport.

Public authorities, or those who have jurisdiction within maritime terminals, should implement or recommend the implementation of consistent signage to facilitate and expedite the flow of international maritime traffic within the maritime terminals.

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

3.16 Recommended Practice. Measures should be taken to ensure that all necessary information on transport and safety is readily available for passengers who have impaired hearing or vision.

Necessary transport and safety information should be available in a variety of formats for all passengers, including those with impaired hearing or vision.

3.17 Recommended Practice. For elderly and disabled passengers being set down or picked up at a terminal building, reserved points should be located as close as possible to main entrances. These should be clearly marked with appropriate signs. Access routes should be free of obstacles.

Clearly marked, designated areas should be made available for elderly and disabled passengers. These areas should be close to the main entrances, easily accessible and free of obstructions.

3.18 Recommended Practice. Where access to public services is limited, every effort should be made to provide accessible and reasonably priced public transportation services by adapting current and planned services or by providing special arrangements for passengers who have impaired mobility.

Efforts should be made to provide reasonably priced transportation, either by implementing planned services or making special arrangements, for passengers requiring additional assistance due to limited mobility.

3.19 Recommended Practice. Provisions of suitable facilities should be made in terminals and on ships, as appropriate, to allow safe embarkation and disembarkation for elderly and disabled passengers.

Appropriate accommodation should be made available to facilitate the safe embarkation and disembarkation of elderly and disabled passengers.

D. Facilitation for ships engaged on cruises and for cruise passengers

3.20 Standard. Public authorities shall authorize granting of pratique by radio to a cruise ship when, on the basis of information received from it prior to its arrival, the health authority for the intended port of arrival is of the opinion that its arrival will not result in the introduction or spread of a quarantinable disease.

Public authorities shall notify a cruise ship by radio or any other appropriate means of communication that health authorities do not anticipate the need for quarantine of the vessel at the time of arrival.

3.21 Recommended Practice. For cruise ships, the General Declaration, the Passenger List and the Crew List should be required only at the first port of arrival and final port of departure in a country, provided that there has been no change in the circumstances of the voyage.

3.22 Standard. For cruise ships, the Ship's Stores Declaration and the Crew's Effects Declaration shall be required only at the first port of arrival in a country.

To avoid unnecessary delays in subsequent ports of call in the same country, the General Declaration, the Passenger List, the Crew List, the Ship's Stores Declaration and the Crew's Effects Declaration should not be required by the public authorities when the information is already provided for in that country and the same voyage.

3.23 Standard. Passports or other official documents of identity shall at all times remain in the possession of cruise passengers.

Cruise passengers are responsible for safeguarding their travel documents. The responsibility of safeguarding the documents should not belong to the master of the vessel.

3.24 Recommended Practice. If a cruise ship stays at a port for less than 72 hours, it should not be necessary for cruise passengers to have visas, except in special circumstances determined by the public authorities concerned.

It is the intention of this Recommended Practice that each Contracting Government may issue to such passengers, or accept from them upon arrival, some form indicating that they have permission to enter the territory.

Subject to the national legislation of the State where the passenger is located, public authorities may choose not to require a cruise passenger to possess a visa at ports of call where the stay is for less than 72 hours.

3.25 Standard. Cruise passengers shall not be unduly delayed by the control measures exercised by public authorities.

Depending upon the schedule of the cruise ship, public authorities shall ensure that clearance of passengers begins as soon as practicable. Public authorities should, where appropriate, coordinate their control activities and perform them at the same time.

3.26 Standard. In general, except for security purposes and for the purposes of establishing identity and admissibility, cruise passengers shall not be subject to personal examination by public authorities responsible for immigration control.

Normally, immigration controls for cruise passengers can be performed on the basis of the information included in the Passenger List, provided that the information about the identity of the passengers is included in the Passenger List. Immigration controls for cruise passengers in the presence of the passenger should be performed as an exception.

3.27 Standard. If a cruise ship calls consecutively at more than one port in the same country, passengers shall, in general, be examined by public authorities at the first port of arrival and at the final port of departure only.

When a cruise ship calls at different ports in the same country, Contracting Governments shall take appropriate measures that would allow for only one entry check in that country, which is also valid for the subsequent ports in that country. Only at the last port of call in that country the final exit check shall be performed.

3.28 Recommended Practice. To facilitate their prompt disembarkation, the inward control of passengers on a cruise ship, where practicable, should be carried out on board before arrival at the place of disembarkation.

When possible, public authorities of the receiving State would meet the arriving vessel either prior to departure to the port of destination or en route to the port of destination and begin the clearance of passengers prior to arrival.

3.29 Recommended Practice. Cruise passengers who disembark at one port and rejoin the same ship at another port in the same country should enjoy the same facilities as passengers who disembark and rejoin a cruise ship at the same port.

Except where national legislation prohibits passengers from rejoining a cruise vessel at another port in the same country, passengers that engage in such practices shall be allowed the same treatment as those who rejoin at the same port.

3.30 Recommended Practice. The Maritime Declaration of Health should be the only health control necessary for cruise passengers.

Where no special health measures, e.g., as mentioned in Recommended Practice 3.8, are necessary, formalities for health control should be limited as much as possible. When a complete waiver of health formalities is not possible, these formalities should be limited to the use of the Maritime Declaration of Health. This declaration is one of the documents provided for in Standard 2.1 of this annex.

3.31 Standard. Duty-free ship's stores shall be allowed aboard ship for cruise passengers during the ship's stay in port.

3.32 Standard. Cruise passengers shall not normally be required to provide a written declaration for their personal effects. However, in the case of articles which involve a high amount of customs duties and other taxes and charges, a written declaration and a security may be required.

Normally, personal effects of cruise passengers can be declared to Customs by means of an oral declaration. It is also possible that a cruise terminal is equipped with the dual-channel system as mentioned in Recommended Practice 3.11.2.

Personal effects of passengers are in most countries relieved from the payment of duties and taxes. For high dutiable goods, such as alcohol and tobacco relief will be allowed to a certain limit. For additional amounts many countries will allow for a simplified procedure instead of a normal declaration^{*}.

3.33 Recommended Practice. Cruise passengers should not be subject to any currency control.

3.34 Standard. Embarkation/disembarkation cards shall not be necessary for cruise passengers.

3.35 Not in use.

E. Special measures of facilitation for passengers in transit

3.36 Standard. A passenger in transit who remains on board the ship on which he arrived and departs with it shall not normally be subjected to routine control by public authorities except for security purposes.

Passengers in transit who will not disembark from the ship during the stay in the port will normally not have any contact with the country of transit and its people. Any formalities by public authorities, apart from health and security related concerns, could be considered as unnecessary and superfluous.

3.37 Recommended Practice. A passenger in transit should be allowed to retain his passport or other identity document.

A passenger in transit should be allowed the same consideration for document control as passengers who are not in transit, and is still subject to inspection by public authorities, where required by national legislation.

3.38 Recommended Practice. A passenger in transit should not be required to complete a disembarkation/embarkation card.

3.39 Recommended Practice. A passenger in transit who is continuing his journey from the same port in the same ship should normally be granted temporary permission to go ashore during the ship's stay in port if he so wishes.

A passenger who is continuing on board the vessel between ports, regardless of being a passenger in transit, should be granted temporary permission to disembark at the ports of call within his or her itinerary as long as the passenger possesses the correct travel documents as required by national legislation.

^{*} Reference is made to specific Annex J, Chapter 1, of the Revised Kyoto Convention.

3.40 Recommended Practice. A passenger in transit who is continuing his journey from the same port in the same ship should not be required to have a visa, except in special circumstances determined by the public authorities concerned.

Subject to the national legislation of the State where the passenger is located, a transit passenger who is leaving on the same vessel on which he arrived from the same port of call may not be required to have a visa.

3.41 Recommended Practice. A passenger in transit who is continuing his journey from the same port in the same ship should not normally be required to give a written Customs Declaration.

Passengers in transit do not normally import goods or leave goods behind in the country of transit. For that reason a written Customs declaration would not add any value to the normal Customs control. Where necessary, Customs could ask the passenger if he has any goods in addition to the amounts and values above the allowed relief thresholds. For these goods separate formalities could be created. These formalities should be as simple as possible.

3.42 Recommended Practice. A passenger in transit who leaves the ship at one port and embarks in the same ship at a different port in the same country should enjoy the same facilities as a passenger who arrives and departs in the same ship at the same port.

This Recommended Practice aims at passengers who travel from the port of arrival to the port of departure by other means of transport in the same country. E.g., passengers could be transported by bus/coach for sightseeing in the country of arrival. The formalities for these passengers should not be more complicated than for passengers who arrive and depart from the same port in that country and have similar excursions.

F. Measures of facilitation for ships engaged in scientific services

3.43 Recommended Practice. A ship engaged in scientific services carries personnel who are necessarily engaged on the ship for such scientific purposes of the voyage. If so identified, such personnel should be granted facilities at least as favourable as those granted to the crew members of that ship.

G. Further measures of facilitation for foreigners belonging to the crews of ships engaged in international voyages – shore leave

3.44 Standard. Foreign crew members shall be allowed ashore by the public authorities while the ship on which they arrive is in port, provided that the formalities on arrival of the ship have been fulfilled and the public authorities have no reason to refuse permission to come ashore for reasons of public health, public safety or public order.

Subject to the national legislation of the State where the crew member is located, public authorities may permit a crew member to go ashore as long as the ship by which the crew member arrived is still in port. This does not preclude the shipowner from being responsible for the reporting of any crew members that have deserted after being granted temporary landing privileges. A crew member that has been granted temporary landing privileges is still under the shipowner's responsibility.

3.45 Standard. Crew members shall not be required to hold a visa for the purpose of shore leave.

3.46 Recommended Practice. Crew members, before going on or returning from shore leave, should not normally be subjected to personal checks.

3.47 Standard. Crew members shall not be required to have a special permit, e.g., a shore leave pass, for the purpose of shore leave.

3.48 Recommended Practice. If crew members are required to carry documents of identity with them when they are on shore leave, these documents should be limited to those mentioned in Standard 3.10.

The Standards 3.45, 3.47 and Recommended Practices 3.46 and 3.48 aim at the possibility for crew members to be allowed shore leave with a minimum of formalities. For shore leave the requirements to carry only a valid seafarer's identity document or a passport should be sufficient for that purpose.

3.49 Recommended Practice. Public authorities should provide a system of pre-arrival clearance to allow the crew of ships which call regularly at their ports to obtain advance approval for temporary shore leave. Where a ship has no adverse immigration record and is locally represented by a shipowner or a reputable agent of the shipowner, the public authorities should normally, after satisfactory consideration of such pre-arrival particulars as they may require, permit the ship to proceed directly to its berth and be subject to no further routine immigration formalities, unless otherwise required by the public authorities.

Subject to national legislation, States may choose to implement a system to provide pre-arrival clearance for crew on ships. This system should consider, but is not limited to, the frequency which a vessel calls upon a port and any past immigration records, as well as representation of a reputable agent. If there is no adverse record, and other established criteria are met, the public authority should grant pre-approval and allow the ship to proceed to berth without additional immigration formalities.

Section 4 – Stowaways

A. *General Principles*

4.1 Standard. The provisions in this section shall be applied in accordance with international protection principles as set out in international instruments, such as 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, and relevant national legislation.*

The standards and recommended practices in this section shall be implemented according to international principles on the protection of human rights as stated in the different international conventions.

*

In addition, public authorities may wish to consider the non-binding conclusion of the UNHCR Executive Committee on Stowaway Asylum-Seekers (1988, No. 53 (XXXIX)).

According to the 1951 UN Convention and the 1967 UN Protocol on the Status of Refugees, a contracting State shall not expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom is being threatened on account of his race, religion, nationality, membership of a particular social group or political opinion (article 33.1). The principle of non-refoulement does not only forbid the expulsion of refugees to their country of origin but to any country in which they might be subject to persecution (article 33.2).

Also relevant are articles 6 and 7 of the 1966 International Convention on Civil and Political Rights. Another international convention on human rights which may be relevant in stowaway cases is the United Nations Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment from 1982. According to the convention, no State may expel, return or extradite a person to another State where there are substantial grounds for believing that he/she will be in danger of being subjected to torture.

The regulations in section 4 regarding stowaways are drawn up in such a manner, that they allow the Contracting Governments some flexibility as to how the standards and recommended practices in the section should be implemented. The Facilitation Convention does to a great extent allow the Contracting Governments freedom of implementation. The Contracting Governments are obliged to exercise this flexibility when necessary, in order to make sure that the principles of international human rights conventions are not violated.

Standard 4.1 also implies that the Facilitation Conventions' regulations must give way if, contrary to all expectations, a situation may arise where, despite the flexibility of the regulations – the wording is not compatible with the international protection principles as set out in international conventions.

4.2 Standard. Public authorities, port authorities, shipowners and their representatives and shipmasters shall co-operate to the fullest extent possible in order to prevent stowaway incidents and to resolve stowaway cases expeditiously and secure that an early return or repatriation of the stowaway will take place. All appropriate measures shall be taken in order to avoid situations where stowaways must stay on board ships indefinitely.

Standard 4.2 is the core provision of section 4 regarding stowaways. It obliges all parties involved to co-operate in order to prevent persons from stowing away on board ships as well as the handling of stowaway cases. The shared responsibility for all the parties involved continues until the stowaway is returned or repatriated.

All provisions in section 4 should be applied in the light of the general obligation to co-operate which follows from Standard 4.2.

B. Preventive measures

4.3 Ship/Port preventive measures

4.3.1 Port/terminal authorities

4.3.1.1 Standard. Contracting Governments shall ensure that the necessary infrastructure, and operational and security arrangements for the purpose of preventing persons attempting to stowaway on board ships from gaining access to port installations and to ships, are established in all their ports, taking into consideration when developing these arrangements the size of the port, and what type of cargo is shipped from the port.

This should be done in close co-operation with relevant public authorities, shipowners and shore-side entities, with the aim of preventing stowaway occurrences in the individual port.

The standard sets out obligations for the port States in co-operation with the users of the port (ships, cargo handlers, port authorities, etc.) to establish the necessary arrangements to prevent persons attempting to stowaway on board ships. When adopting these measures, the risk of persons stowing away from the individual port should be considered, taking into consideration amongst other things the size of the individual port and the types of cargo which are handled in the port. When adopting these measures modern technology and risk management should be used, see Standard 1.11 and Recommended Practice 1.3.

4.3.1.2 Recommended Practice. Operational arrangements and/or security plans should, *inter alia*, address the following issues where appropriate:

- (a) regular patrolling of port areas;**
- (b) establishment of special storage facilities for cargo subject to high risk of access of stowaways, and continuous monitoring of both persons and cargo entering these areas;**
- (c) inspections of warehouses and cargo storage areas;**
- (d) search of cargo itself, when presence of stowaways is clearly indicated;**
- (e) co-operation between public authorities, shipowners, masters and relevant shoreside entities in developing operational arrangements;**
- (f) co-operation between port authorities and other relevant authorities (e.g., police, customs, immigration) in order to prevent smuggling of humans;**
- (g) developing and implementing agreements with stevedores and other shoreside entities operating in national ports to ensure that only personnel authorized by these entities participate in the stowing/unstowing or loading/unloading of ships or other functions related to the ships stay in port;**
- (h) developing and implementing agreements with stevedores and other shoreside entities to ensure that their personnel having access to the ship is easily identifiable, and a list of names of persons likely to need to board the ship in the course of their duties is provided; and**
- (i) encouragement of stevedores and other persons working in the port area to report to the port authorities, the presence of any persons apparently not authorized to be in the port area.**

The measures listed in this recommended practice are examples; however other measures may be necessary. Operational arrangements and/or security plans should preferably be drawn up in co-operation with all parties involved, including public authorities, shipowners and shoreside entities, and conform with the requirements of the International Ship and Port Facility Security Code (ISPS Code).

4.3.2 Shipowner/Shipmaster

4.3.2.1 Standard. Contracting Governments shall require that shipowners and their representatives in the port, the masters as well as other responsible persons have security arrangements in place which, as far as practicable, will prevent intending stowaways from getting aboard the ship, and, if this fails, as far as practicable, will detect them before the ship leaves port.

Shipowners and other responsible persons must have specific security arrangements preventing stowaways from getting aboard their ships. These security arrangements may be part of the ship security plan under the ISPS Code.

4.3.2.2 Recommended Practice. When calling at ports and during stay in ports, where there is risk of stowaway embarkation, security arrangements should at least contain the following preventive measures:

- all doors, hatches and means of access to holds or stores, which are not used during the ships stay in port should be locked;
- access points to the ship should be kept to a minimum and be adequately secured;
- areas seaward of the ship should be adequately secured;
- adequate deck watch should be kept;
- boardings and disembarkations should, where possible, be tallied by the ship's crew or, after agreement with the shipmaster, by others;
- adequate means of communication should be maintained; and
- at night, adequate lighting should be maintained both inside and along the hull.

The measures mentioned in this Recommended Practice are important examples; however, other measures which would prevent stowaways from boarding are possible. As an additional measure, all crew members should remain aware and alert for possible stowaways and specific instructions for crew members should be developed.

4.3.2.3 Standard. Contracting Governments shall require that ships entitled to fly their flag, except passenger ships, when departing from a port, where there is risk of stowaway embarkation, have undergone a thorough search in accordance with a specific plan or schedule, and with priorities given to places where stowaways might hide. Search methods, which are likely to harm secreted stowaways shall not be used.

When a thorough search for stowaways on a ship is performed, the conduct of the search should be in compliance with existing IMO instruments such as the ISPS or the ISM Codes. The health of the possible stowaway shall always be taken into account in determining the methodology of the search.

4.3.2.4 Standard. Contracting Governments shall require that fumigation or sealing of ships entitled to fly their flag may not be carried out until a search which is as thorough as possible of the areas to be fumigated or sealed has taken place in order to ensure that no stowaways are present in those areas.

The crew should be satisfied that no stowaways are in areas of the ship which will be sealed or fumigated, to avoid the possibility that the stowaway(s) will suffer physical injuries.

4.3.3 National Sanctions

4.3.3.1 Standard. Where appropriate, contracting Governments shall, according to their national legislation, prosecute stowaways, attempted stowaways and persons aiding stowaways in gaining access to ships.

The provision leaves it to the individual Contracting Government to decide how stowaways, attempted stowaways and persons aiding stowaways are to be prosecuted. The obligation to prosecute stowaways is not absolute, see the opening words "where appropriate". Generally, it would not be considered appropriate to prosecute stowaways who, in the opinion of the authorities, have a well-founded fear of being prosecuted for reasons of race, religion or political opinion.

C. Treatment of the stowaway while on board

4.4 General principles – Humane treatment

4.4.1 Standard. Stowaway incidents shall be dealt with consistent with humanitarian principles, including those mentioned in Standard 4.1. Due consideration must always be given to the operational safety of the ship and the safety and well being of the stowaway.

When stowaways are discovered on board a vessel the crew shall treat the stowaway(s) respectfully and according to international humanitarian rules and principles. Although this is the basic principle, the shipmaster and the crew members shall also be concerned about the safety of the ship, its crew and, where possible, the cargo.

4.4.2 Standard. Contracting Governments shall require that shipmasters operating ships entitled to fly their flag, take appropriate measures to ensure the security, general health, welfare and safety of the stowaway while he/she is on board, including providing him/her with adequate provisioning, accommodation, proper medical attention and sanitary facilities.

Contracting Governments may include in the security arrangements mentioned in Standard 4.3.2.1 the requirements included in this Standard 4.4.2 for the protection of the stowaway(s) on board the ship.

4.5 Work on board

4.5.1 Standard. Stowaways shall not be required to work on board the ship, except in emergency situations or in relation to the stowaway's accommodation on board.

The Contracting Government shall ensure that stowaways are not required to work on board ship except in the situations mentioned in the standard. It has been left to the Contracting Governments to decide how this requirement is to be met, e.g., through legislation that specifically forbids the master to demand that stowaways work while on board ship. Standard 4.5.1 does not preclude that stowaways may help out around the ship if they so volunteer.

4.6 Questioning and notification by the shipmaster

4.6.1 Standard. Contracting Governments shall require shipmasters to make every effort to establish the identity, including nationality/citizenship of the stowaway and the port of embarkation of the stowaway, and to notify the existence of the stowaway along with relevant details to the public authorities of the first planned port of call. This information shall also be provided to the shipowner, public authorities at the port of embarkation, the flag State and any subsequent ports of call if relevant.

Providing public authorities with this information at an early stage enables them to prepare for the arrival of the stowaway. The information should be provided as soon as possible.

4.6.2 Recommended Practice. When gathering relevant details for notification the shipmaster should use the form as specified in appendix 3.

By using the form specified in Appendix 3 of this annex the work of the shipmaster will be simplified. The form contains details on the ship, the personal details of the stowaway and other details such as the method of boarding, an inventory of the stowaway's possessions and a statement of the stowaway.

4.6.3 Standard. Contracting Governments shall instruct shipmasters operating ships entitled to fly their flag that when a stowaway declares himself/herself to be a refugee, this information shall be treated as confidential to the extent necessary for the security of the stowaway.

Establishing the identity of stowaways is ultimately the responsibility of public authorities. However, shipmasters should make every effort to get as much information as possible on the identity of the stowaway, as they are generally the first to make contact with the stowaway. By establishing the identity of the stowaway at an early stage, and by notifying the public authorities in the first planned port of call, these authorities will be able to prepare for the arrival of the stowaway. In gathering information, the shipmaster should use the form as specified in appendix 3 of the Convention, set out in Recommended Practice 4.6.2. The shipmaster should attempt to gather as much information as possible about the identity of the stowaway and provide this information to the authorities mentioned in Standard 4.6.1. However, according to Standard 4.6.3 the shipmaster shall, to the extent necessary for the security of the stowaway, treat a declaration of intent to seek asylum by the stowaway as confidential. This information is not to be shared with public authorities without the consent of the stowaway. In general, this information shall not in any way be shared with the public authorities in the country of embarkation.

4.7 Notification of the International Maritime Organization

4.7.1 Recommended Practice. Public authorities should report all stowaway incidents to the Secretary-General of the International Maritime Organization.

Public authorities of Contracting Governments should report all stowaway incidents to the Secretary-General of the International Maritime Organization on a bi-annual basis. They should do so in an agreed format for this purpose, containing information on:

- Name of ship
- Type

- Flag
- Gross tonnage
- IMO number
- Time and place of discovery
- Time and place of embarkation (if possible)
- Time and place of disembarkation
- Time and place of attempted disembarkations
- Nationality of stowaways (if possible)
- Documentation (yes or no)
- Number of asylum seekers.

D. Deviation from the planned route

4.8 Standard. Public authorities shall urge all shipowners operating ships entitled to fly their flag to instruct their masters not to deviate from the planned voyage to seek the disembarkation of stowaways discovered on board the ship after it has left the territorial waters of the country where the stowaways embarked, unless:

- **permission to disembark the stowaway has been granted by the public authorities of the State to whose port the ship deviates; or**
- **repatriation has been arranged elsewhere with sufficient documentation and permission for disembarkation; or**
- **there are extenuating security, health or compassionate reasons.**

Shipmasters shall in principle not deviate from their planned voyage to seek disembarkation of stowaways, if these are discovered after the ship has left the territorial waters of the State in which they embarked.

Shipmasters may decide otherwise in the cases mentioned in Standard 4.8.

The ship may deviate when permission has been granted by the public authorities of the State to whose port the ship intends to deviate.

Deviation is furthermore permitted in cases of extenuating security circumstances, health or safety reasons for example when the stowaway remaining on board would result in grave security risks, or pose a severe threat to the health of the stowaway and/or the crew or to the safe operation of the ship.

Also, deviation is permitted for compassionate reasons when the stowaway remaining on board would result in a situation conflicting with humanitarian principles. The ship should deviate if necessary to avoid acting in conflict with the international protection principles set out in international instruments.

E. Disembarkation and return of a stowaway

The question of the expeditious disembarkation of stowaways is one of the most important regarding a solution to stowaway cases. It falls to the shipowner to secure the repatriation of the stowaway, but it will often be necessary for this to happen in close co-operation with the parties involved, mainly the authorities in the first port of call after the stowaway has been detected.

The rules are constructed in such a manner that the authorities in the first port of call is obliged to consider favourably allowing disembarkation of the stowaway, when it is impracticable to remove the stowaway on the ship or other factors exist which would preclude removal on the ship. This obligation is to be construed in the light of the general obligation of all parties involved to co-operate on finding a solution to stowaway cases as stated in Standard 4.2.

The authorities should accept disembarkation if other circumstances preclude the stowaway from being transported out of the country by ship. E.g., other circumstances could be that the stowaway's presence on board would endanger the safe operation of the ship, the health of the crew or the stowaway.

Correspondingly disembarkation should be considered favourably if the case is unresolved at the time of departure of the ship. This will generally be the case when the stowaway applies for refugee status.

If the stowaway is, or is expected to be, in possession of valid travel documents, the obligations of the authorities in the first port of call are tightened. If the stowaway is in possession of valid travel documents, the authorities are obligated to allow disembarkation when timely arrangements for return or repatriation are made and all requisites for transit are fulfilled or the authorities are satisfied that they will be made. If the stowaway is not in possession of valid travel documents, but the public authorities are satisfied that these documents will be obtained by the ship owner and all other formalities connected with the return or repatriation of the stowaway will be dealt with, they shall allow disembarkation, where it is appropriate and national law allows it.

The Standards concerning the obligation to allow disembarkation are primarily aimed at the authorities in the first scheduled port of call after the stowaway has been detected. If disembarkation in the first scheduled port of call however does not happen, the subsequent ports of call also have a corresponding obligation.

4.9 The State of the first port of call according to the voyage plan

4.9.1 Standard. Public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall decide in accordance with national legislation whether the stowaway is admissible to that State.

In accordance with Standard 4.6.1 the shipmaster shall report the presence of a stowaway on board the ship to the relevant public authorities in the ship's first scheduled port of call after the discovery of a stowaway. For this purpose the form in appendix 3 of the Convention should be used on arrival in the port. Public authorities shall decide whether the stowaway is admissible to that State. They shall do so in accordance with relevant national legislation, such as their legislation on admissibility to their territory and their legislation on foreigners. If the stowaway asks for asylum, public authorities shall process this application in accordance with both their national legislation and other relevant international instruments, e.g., the 1951 UN Convention relating to the Status of Refugees and the adhering protocols.

4.9.2 Standard. Public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall allow disembarkation of the stowaway, when the stowaway is in possession of valid travel documents for return, and the public authorities are satisfied that timely arrangements have been or will be made for repatriation and all the requisites for transit fulfilled.

Although the shipmaster remains responsible for the return of the stowaway to the country in which the port of embarkation is situated, public authorities may decide not to effect this return by means of the ship on which the stowaway arrived. If the stowaway is in possession of valid travel documents for his return to the country of embarkation or to any other country that will allow the stowaway access to its territory, the stowaway may return by other means, e.g., by air, paid for by the shipmaster or the ship's agent. The shipmaster or the ship's agent, shall be responsible for taking care of all necessary travel arrangements for the stowaway. In these cases the authorities are obliged to allow the stowaway to disembark from the ship, when they are satisfied that timely arrangements for the repatriation are or will be made and all other formalities fulfilled. The authorities may, in accordance with national legislation, decide to transfer the stowaway from the ship into their custody or (other) reception location, until the actual departure of the stowaway takes place. Permission for disembarkation of the stowaway does not affect the decision as to the admissibility of the stowaway to the territory of the State concerned.

4.9.3 Standard. Where appropriate and in accordance with national legislation, public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall allow disembarkation of the stowaway when the public authorities are satisfied that they or the shipowner will obtain valid travel documents, make timely arrangements for repatriation of the stowaway, and fulfil all the requisites for transit. Public authorities shall, further, favourably consider allowing disembarkation of the stowaway, when it is impracticable to remove the stowaway on the ship of arrival or other factors exist which would preclude removal on the ship. Such factors may include, but are not limited to when:

- a case is unresolved at the time of sailing of the ship; or
- the presence on board of the stowaway would endanger the safe operation of the ship, the health of the crew or the stowaway.

If the stowaway is not in possession of valid travel documents, but public authorities are satisfied that these documents will be obtained either by the shipowner or the authorities themselves and all other formalities connected with the return or repatriation of the stowaway will be dealt with, they shall allow disembarkation, where it is appropriate and national legislation allows it. As mentioned in Standard 4.8, public authorities may decide to transfer the stowaway into custody until the time of the actual return of the stowaway. This decision does not affect the decision on the admissibility of the stowaway.

When impracticalities or other factors stand in the way of removal on board the ship on which the stowaway arrived, public authorities shall also favourably consider the possibility to disembark the stowaway. Section 4.9 mentions two examples of such situations, but this standard is not limited to these situations. A decision in these cases to allow disembarkation of the stowaway, shall not affect the responsibility of the shipowner to remove the stowaway from the territory of the affected State. Neither will the allowing of disembarkation in these cases affect the decision on admissibility of the stowaway to the territory of that State.

4.10 Subsequent ports of call

4.10.1 Standard. When disembarkation of a stowaway has failed in the first scheduled port of call after discovery of the stowaway, public authorities of the subsequent ports of call shall examine the stowaway as for disembarkation in accordance with Standards 4.9.1, 4.9.2 and 4.9.3.

If disembarkation at the first scheduled port of call fails, the obligation to co-operate with the ship's master regarding disembarkation of the stowaway passes to the authorities in subsequent ports of call. If a previous port of call has not met the obligations stated in the regulations this does not limit the obligations of subsequent port authorities.

4.11 State of Nationality or Right of Residence

4.11.1 Standard. Public authorities shall in accordance with international law accept the return of stowaways with full nationality/citizenship status or accept the return of stowaways who in accordance with their national legislation have a right of residence in their State.

The regulations reflect the general principle of international law that every State is obliged to receive its own citizens.

4.11.2 Standard. Public authorities shall, when possible, assist in determining the identity and nationality/citizenship of stowaways claiming to be a national or having a right of residence in their State.

When a stowaway does not possess valid identification documents, the shipowner or his representatives should, in coordination with the authorities at the port of call, as soon as possible contact the representation of the stowaway's country of residence/nationality in order to obtain help to determine the stowaway's identity. The authorities of the State where the stowaway claims to be a national or to have a right of residence are obliged to assist where necessary.

If the stowaway declares himself as asylum seeker, contact with the authorities of the stowaway's home country shall not be undertaken.

4.12 State of Embarkation

4.12.1 Standard. When it has been established to their satisfaction that stowaways have embarked a ship in a port in their State, public authorities shall accept for examination such stowaways being returned from their point of disembarkation after having been found inadmissible there. The public authorities of the State of embarkation shall not return such stowaways to the country where they were earlier found to be inadmissible.

Stowaways who have been found to be inadmissible by the authorities in the ship's ports of call should in principle be returned to the State in which they embarked. This may differ if there is knowledge of other States in whose territory the stowaway is allowed to stay, or if the stowaway is a refugee or seeks asylum. The State of embarkation, however, is obliged to accept for examination stowaways who are being transported back to their territory, if it has been established in a satisfactory way that the stowaway has embarked in a port in this State. After accepting the stowaway for examination, the authorities of the State of embarkation shall not transport the stowaway back to the country in which he was earlier found to be inadmissible. They may however, based on their national legislation, decide whether the stowaway is permitted to stay on their territory or to be repatriated elsewhere.

4.12.2 Standard. When it has been established to their satisfaction that attempted stowaways have embarked a ship in a port in their State, public authorities shall accept disembarkation of attempted stowaways, and of stowaways found on board the ship while it is still in the territorial waters or if applicable according to the national legislation of that State in the area of immigration jurisdiction of that State. No penalty or charge in respect of detention or removal costs shall be imposed on the shipowner.

If an attempted stowaway is discovered before the ship leaves the territorial waters, public authorities in the port of embarkation shall allow the stowaway to disembark, without any judicial or financial repercussions for the shipowner, when they are satisfied that the stowaway embarked in a port on their territory. If a State exercises immigration functions in a wider area than the territorial sea, it shall also allow disembarkation if the ship has not left this zone. Reference is made to the United Nations Convention on the Law of the Sea (UNCLOS), article 33, which allows coastal States to exercise the controls necessary to prevent an infringement of its immigration laws and regulations in the contiguous zone. This zone may extend up to 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

4.12.3 Standard. When an attempted stowaway has not been disembarked at the port of embarkation he/she is to be treated as a stowaway in accordance with the regulation of this section.

If it has not been possible to disembark an attempted stowaway in the port of embarkation, the stowaway shall not automatically be treated as a member of the crew.

4.13 The flag State

4.13.1 Standard. The public authorities of the flag State of the ship shall assist and co-operate with the master/shipowner or the appropriate public authority at ports of call in:

- identifying the stowaway and determining his/her nationality;
- making representations to the relevant public authority to assist in the removal of the stowaway from the ship at the first available opportunity; and
- making arrangements for the removal or repatriation of the stowaway.

For this purpose the same information, which is sent to the authorities in the next port of call should as well be copied to the flag State, so they can assist in the handling of the case.

4.14 Return of stowaways

4.14.1 Recommended Practice. When a stowaway has inadequate documents, public authorities should, whenever practicable and to an extent compatible with national legislation and security requirements, issue a covering letter with a photograph of the stowaway and any other important information. The letter, authorizing the return of the stowaway either to his/her country of origin or to the point where the stowaway commenced his/her journey, as appropriate, by any means of transportation and specifying any other conditions imposed by the authorities, should be handed over to the operator affecting the removal of the stowaway. This letter will include information required by the authorities at transit points and/or the point of disembarkation.

If a stowaway is not in possession of valid travel documents, public authorities should issue a covering letter for the return of the stowaway. This practice is recommended for the return of the stowaway on board the ship as well as for the return of the stowaway by any other means. By issuing a covering letter public authorities will promulgate the information they have on the identity of the stowaway. Also the covering letter attests to the presence of the stowaway in a port of call, and to the inadmissibility of the stowaway into the territory of the State which issued the covering letter. The covering letter will provide authorities at transit points and/or authorities at the point of disembarkation with the information they might need for transiting the stowaway to his final destination or for accepting the disembarkation of the stowaway for examination. For this purpose the covering letter may contain the following information, which is not to be considered as exhaustive.

- Name
- Name of father
- Gender
- Age
- Ethnic origin
- Nationality
- Any documents in the possession of the stowaway
- Former documents
- Country of origin
- Country of residence
- Place and Country of birth
- Date of departure
- Countries traversed.

4.14.2 Recommended Practice. Public authorities in the State where the stowaway has disembarked should contact the relevant public authorities at transit points during the return of a stowaway, in order to inform them of the status of the stowaway. In addition public authorities in countries of transit during the return of any stowaway should allow, subject to normal visa requirements and national security concerns, the transit through their ports and airports of stowaways travelling under the removal instructions or directions of public authorities of the country of the port of disembarkation.

When returning the stowaway to the State of which he/she is a national, or to the State of embarkation, or to a State where the stowaway is admissible, the public authorities in the State where the stowaway has disembarked should, as far as practicable, co-operate with the subsequent transit State(s). By providing all known information on the stowaway to the transit State(s) the process of repatriation would be executed quickly, as it enables the transit State(s) to make any necessary preparations in advance that might be connected with the transit. Transit State(s) should in accordance with their national legislation allow any stowaway returning under the instruction of the State of disembarkation to transit through their ports or airports.

4.14.3 Recommended Practice. When a port State has refused disembarkation of a stowaway that State should, without undue delay, notify the Flag State of the ship carrying the stowaway of the reasons for refusing disembarkation.

The notification gives the flag State an opportunity to examine the case, and to assist in the resolution of the case.

4.15 Cost of return and maintenance of stowaways

It is up to the Contracting Governments to set up rules on which types of costs and for which period of time costs are to be refunded. However the level of costs should be made available to the shipowner or his agent as soon as possible. Furthermore the authorities, who allowed the stowaway to disembark, should be aware of the possibilities of minimizing such costs.

There are different models in various jurisdictions. In some, a time limit is set after which the shipowner is free from additional costs arising from detention. In general the shipowners do not have to pay detention costs while the authorities are handling an application for asylum.

4.15.1 Recommended Practice. The public authorities of the State where a stowaway has been disembarked should generally inform the shipowner, on whose ship the stowaway was found, or his representative, as far as practicable, of the level of cost of detention and return of the stowaway, if the shipowner is to cover these costs. In addition, public authorities should keep such costs to a minimum, as far as practicable and according to national legislation, if they are to be covered by the shipowner.

If a shipowner is to cover the cost of detention and return of the stowaway, he should receive accurate information on the amount involved as soon as possible, in order for the shipowner to have an overview of the cost and to be able to make arrangements accordingly (money transfer, etc.). The public authorities should keep the cost to a minimum, thus not burdening the shipowner with additional administrative cost.

4.15.2 Recommended Practice. The period during which shipowners are held liable to defray costs of maintenance of a stowaway by public authorities in the State where the stowaway has been disembarked should be kept to a minimum.

The public authority where the stowaway is kept should attempt to keep the cost of maintenance to a minimum, not burdening the shipowner with exorbitant (administrative) cost.

4.15.3 Standard. Public authorities shall, according to national legislation, consider mitigation of penalties against ships where the master of the ship has properly declared the existence of a stowaway to the appropriate authorities in the port of arrival, and has shown that all reasonable preventive measures had been taken to prevent stowaways gaining access to the ship.

Some States have national legislation which prohibits the carrying of stowaways. If a master or shipowner can show that all the reasonable preventive measures have been taken to avoid stowaways, those States shall consider in their national legislation the possibility of mitigation of penalties against the master or shipowner and preferably to be able to drop the charges.

4.15.4 Recommended Practice. Public authorities should, according to national legislation, consider mitigation of other charges that might otherwise be applicable, when shipowners have co-operated with the control authorities to the satisfaction of those authorities in measures designed to prevent the transportation of stowaways.

As in Standard 4.15.3 public authorities should consider the mitigation of any charges under their national legislation which are applicable to shipowners where stowaways are found on board their ships. If they have co-operated to the fullest extent within their means with the control authorities in order to prevent stowaways from embarking on their ships.

Section 5 – Arrival, stay and departure of cargo and other articles

This section contains the provisions concerning the formalities required by public authorities from the shipowner, his agent or the master of the ship.

The provisions in this section are related to the arrival and departure of cargo. The public authority in charge of cargo is primarily Customs, as well as veterinary, phyto-sanitary authorities. The explanation given in this section are therefore related to these authorities, but does not exclude other relevant public authorities.

A. *General*

5.1 Recommended Practice. Public authorities should, with the co-operation of shipowners and port authorities, take appropriate measures to the end that port time may be kept to a minimum, should provide satisfactory port traffic flow arrangements, and should frequently review all procedures in connection with the arrival and departure of ships, including arrangements for embarkation and disembarkation, loading and unloading, servicing and the like and the security measures associated therewith. They should also make arrangements whereby cargo ships and their loads can be entered and cleared, in so far as may be practicable, at the ship working area.

"Time is money" is a basic principle in today's trade and especially in the maritime industry it is an important objective to prevent delays. For the rapid movement of cargo many ports have introduced special areas for container ships, oil, ore, chemicals and other bulk shipments. The separation of different kinds of cargo has proven to be an effective method to enhance the flow of goods through the port. Minimum port time can also be achieved by good co-ordination between appropriate trade partners and the subsequent co-operation with public and port authorities regarding the need for adequate port facilities. This will be based on the quantities of ships, passengers and cargo. Public authorities have to provide the necessary numbers of staff, efficient procedures and other facilities.

At the same time reference is made to the International Ship and Port Facility Security Code (ISPS Code), which contains detailed security-related requirements for governments, port authorities and shipping companies. The ISPS Code is a comprehensive set of measures to enhance the security of ships and port facilities, developed in response to the perceived threats to ships and port facilities in the wake of the "9/11" attacks in the United States. The ISPS Code is implemented through chapter XI-2 Special Measures to Enhance Maritime Security in the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS). The Code has two parts, one mandatory and one recommendatory.

In essence, the Code takes the approach that ensuring the security of ships and port facilities is a risk management activity and that, to determine what security measures are appropriate, an assessment of the risks must be made in each particular case.

The purpose of the Code is to provide a standardized, consistent framework for evaluating risk, enabling Governments to offset changes in threat with changes in vulnerability for ships and port facilities through the determination of appropriate security levels and corresponding security measures.

5.2 Recommended Practice. Public authorities should, with the co-operation of shipowners and port authorities, take appropriate measures to the end that satisfactory port traffic flow arrangements are provided so that handling and clearance procedures for cargo will be smooth and uncomplicated. These arrangements should cover all phases from the time the ship arrives at the dock for unloading and public authority clearance and for warehousing and re-forwarding of cargo if required. There should be convenient and direct access between the cargo warehouse and the public authority clearance area, which should be located close to the dock area, and mechanical conveyance should be available, where possible.

The cross border traffic of goods will inevitably be subject to the intervention of public authorities, such as Customs. This intervention will hamper the logistical chain as a matter-of-course. To reduce these obstacles to a minimum it is important that the public and port authorities together with industry establish a good relationship. The use of information technology will assist the efficient flow of goods in the port area. The location of cargo warehouses, areas where containers can be placed and lanes for trailers to be parked should be in the direct vicinity of the place where the ships are loaded or unloaded. Sufficient space should also be available for transhipped cargo. Public authorities clearance areas, facilities for the checking of the cargo, including X-Ray equipment, should be close to these locations. Even the combined use of those facilities could be considered. This is to avoid the extensive relocation of cargo within the dock area.

National maritime transport facilitation committees as provided for in Recommended Practice 7.12 or similar local consultation bodies can play an important role in achieving these objectives.

5.3 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 postal items are stored prior to shipment by sea or importation should be protected against access by unauthorized persons at all times.

Because of its nature, special cargo often needs unusual and extraordinary treatment. Different storage facilities, such as cold stores for perishable goods or stables or pens for live animals might be necessary to accommodate these goods. High security storage facilities may be required for valuable goods, such as precious stones (e.g., diamonds) and precious metals (e.g., gold, etc.). Port and public authorities, such as Customs, veterinary and phyto-sanitary authorities should allow the establishment of such specialized storage facilities by private companies within the clearance area or other places in the dock area. Ports should also be equipped with secured, fenced areas and storage facilities to prevent the unlawful removal of cargo.

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

Many countries require licenses or permits for the importation and exportation of certain goods from and to certain countries. Sometimes licenses are also required for trans-shipment. To simplify the procedures to obtain such licenses or permits public authorities shall make publicly available, for example by leaflets or the Internet, in which cases licenses or permits are required, together with information concerning the name and address of the public authorities which are responsible for granting the licenses or permits. Application forms could also be made available on the Internet or by other simple means. To avoid repeated requests, public authorities could consider granting blanket licenses or permits for more than one shipment for a certain period with regard to successive consignments.

5.5 Recommended Practice. When the nature of a consignment could attract the attention of different agencies authorized to carry out inspections, such as Customs and veterinary or sanitary controllers, Contracting Governments should authorize either Customs or one of the other agencies to carry out the required procedures or, where that is not feasible, take all necessary steps to ensure that such clearance is carried out simultaneously at one place and with a minimum of delay.

The authorization to allow only one public authority with the primary processing of the received information is also known as the one-stop-shop concept, whereby, in the first instance, trade is only directed to one public authority. All necessary checks will be performed by that authority and other public authorities will only be involved where for example specialized knowledge or equipment is required. In the latter case the primary responsible public authority will co-ordinate the separate checks and arrange that the checks will be carried out at simultaneously at the same place to avoid the unnecessary movement of cargo from one place to another.

This Recommended Practice can be read in conjunction with the objectives of the Recommended Practices 1.7.1 and 1.8.1 on community systems and the Single Window concept. These concepts allow for an efficient flow of information between public authorities and the trade involved.

5.6 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 quantity which should be set at as high a level as possible.

In many countries special arrangements have been made for private gifts or trade samples, often based on international agreements, such as the provisions of the Universal Postal Convention. Thresholds for value or quantities should be based on national legislation and made public. Thresholds could also be based on a certain amount of duties and taxes due, below which no taxes will be collected.

B. Clearance of cargo

5.7 Standard. Public authorities shall, subject to compliance with any national prohibitions or restrictions and any measures required for port security or the prevention of trafficking of narcotics, grant priority clearance to live animals, perishable goods and other consignments of an urgent nature.

The goods mentioned in this Standard have to be transported rapidly because of their nature. A delay in the clearance procedure may harm the quality or the appearance of the goods. The formalities connected to the movement of these goods have to be kept to a minimum where possible. Many countries already have special procedures in force for the expeditious clearance of such goods. It may be necessary that public authorities have to implement special or additional requirements or conditions to make rapid clearance possible, such as a timely presentation, preferably pre-arrival, of the required documentation or a guarantee for the duties and taxes due. When similar goods are dispatched on a regular basis, special clearance procedures could be authorized.

5.7.1 Recommended Practice. In order to protect the quality of goods awaiting clearance, public authorities should, in collaboration with all the concerned parties, take all measures to permit practical, safe and reliable storage of goods at the port.

This Recommended Practice should be read in connection with Recommended Practice 5.3 where public authorities are invited to encourage the parties concerned to establish specialized storage facilities which are necessary in relation to goods which require special attention.

5.8 Recommended Practice. Contracting Governments should facilitate the temporary admission of specialized cargo-handling equipment arriving by ships and used on shore at ports of call for loading, unloading and handling cargo.

Normally all goods which are brought into the territory of a country are subject to supervision, duties and taxes and sometimes import restrictions, until the goods are cleared. However, the specialized cargo-handling equipment mentioned in this Recommended Practice may only be landed for a short period in the port to unload and load the cargo of the ship on which the equipment arrived. The availability of such equipment on a ship may be necessary, based on the specific nature of the goods or the fact that such equipment is not available in the port of call, e.g., in small ports. To apply the normal rules on such equipment which will be re-exported within a short period would not facilitate the fast movement of goods and would unduly prolong the stay of the ship in the port.

Customs' rules on the temporary admission of goods, including cargo handling equipment can be found in the Revised Kyoto Convention (1999) and its Guidelines on simplifying and harmonizing Customs procedures and the Istanbul Convention on Temporary Admission. In particular, the International Convention on Temporary Admission (Istanbul, 1990) covers rules on temporary admission.

Temporary admission is defined as:

"The Customs procedure under which certain goods (including means of transport) can be brought into a Customs territory conditionally relieved from payment of import duties and taxes and without the application of import prohibitions or restrictions of economic character; such goods (including means of transport) must be imported for specific purpose and must be intended for re-exportation within a specific period and without having undergone any change except normal depreciation due to the use made of them."

Annex C of the Istanbul Convention covers the temporary admission concerning means of transport together with the equipment carried on board the means of transport, including special equipment for the loading, unloading, handling and protection of cargo. Annex C provides for the temporary admission of commercial means of transport (including the special equipment mentioned above), without a Customs document or security for the period necessary to complete the transport operation.

5.9 Reserved.

5.10 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 revised Kyoto Convention.

The Revised Kyoto Convention (1999) and its Guidelines is widely regarded as the blueprint for modern and efficient Customs procedures in the 21st century for all modes of transport. It contains provisions for harmonized Customs procedures and practices on which national Customs legislation can be based and is accompanied by Guidelines for easy implementation.

5.10.1 Recommended Practice. Public authorities should consider the introduction of simplified procedures for authorized persons allowing:

- (a) release of the goods on the provision of the minimum information necessary to identify the goods, to accurately identify and assess risk as it relates to concerns such as health, safety and security, and permit the subsequent completion of the final goods declaration;**
- (b) clearance of the goods at the declarants premises or another place authorized by the relevant public authority; and**
- (c) submission of a single goods declaration for all imports or exports in a given period where goods are imported or exported frequently by the same person.**

The simplified procedures proposed in this recommendation relate to (Customs) procedures subsequent to formalities connected with arrival of consignments in a port, which can be considered as a first phase. The documents, or their electronic equivalent, used in that phase are usually limited to the General Declaration and the Cargo Declaration, as prescribed in Section 2 of the Annex to the FAL Convention, or the Cargo Manifest. Release or clearance is not normally granted on the basis of these summary documents. The subsequent procedures, dealing with the onward movement of goods to their (final) destination, on, for example, import or transit, can be regarded as the second phase. In many cases, the responsibility for the goods for such subsequent procedures shifts to another party, e.g., a forwarding agent. The implementation of the simplified procedures, suggested in this Recommended Practice, is based on the Revised Kyoto Convention (1999) on the harmonization and simplification of Customs procedures and is intended to facilitate rapid release or clearance. They are only offered to authorized persons with a high-quality record of compliance with Customs rules and obligations and the relevant requirements of other public authorities.

(a) The simplified procedure based on minimum information allows for the release of the goods when all relevant information may not be available immediately. While information on description, quantity, value and origin are needed to identify the goods, data may be temporarily lacking, e.g., on the transport arrangements in sufficient detail to complete valuation. A supplementary declaration is then necessary and this must be lodged within a prescribed time limit, e.g., 24 hours, which should be specified in national legislation along with the information essential for the initial declaration. It is also possible that the initial declaration is completed and followed by a periodic supplementary declaration mentioned under (c).

(b) The simplified procedure by which the goods are placed under a certain (Customs) procedure at the premises of the declarant can be of great benefit for trade and will also help avoid congestion at ports. Public authorities should be satisfied of the quality of the

declarants' compliance and recording systems before granting an authorization for this procedure. The public authorities are notified immediately when the goods arrive at the premises and can decide, on the basis of risk management, whether they need to proceed to physical examination at the declarants' premises. This procedure is often combined with a periodic (supplementary) declaration.

(c) When public authorities base their controls on an incomplete declaration or when local clearance at the premises of the declarant has been allowed, it is often cumbersome to lodge a separate supplementary declaration for each consignment. Suitably compliant declarants can be allowed to lodge a periodic declaration, which summarizes all initial declarations or all notifications. Such procedures can be accompanied by the granting of arrangements for payment of duties and taxes on the basis of self-assessment.

5.11 Standard. Public authorities shall limit physical interventions to the minimum necessary to ensure compliance with the law.

The volume of the international movement of goods has increased in the last decades and will still grow in the future. Nevertheless industry demands fast and reliable procedures to be applied by the public authorities. In addition public authorities feel the pressure of reduced budgets and staff which makes it necessary to find more efficient working methods. These developments require modern procedures and control techniques. Aside from the unacceptable burden for trade, for public authorities it is impossible to control all consignments. Therefore modern control methods have to be developed to detect high risk consignments. Risk management as mentioned in Standard 1.11 has proven to be an effective and efficient control method which makes it possible to limit the physical controls to a minimum.

5.12 Recommended Practice. Insofar 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.

The intervention of public authorities should be limited where possible and minimally hamper the logistical process. However physical examinations by public authorities, based on risk assessment, are inevitable. To facilitate the flow of goods, physical examinations, where required, should be carried out at the most efficient and convenient moment. Physical examinations of cargo already loaded onto a means of transport should be avoided where possible, and for containerized cargo are impractical. It not only interrupts the flow of goods, but is also inefficient for the public authorities. To maximize efficiency export cargo could be examined at the premises of the exporter or where the container is packed. To safeguard the integrity of a containerized shipment, sealing of the transport unit should be done immediately upon completion of the packing of the container. On import, an examination of the cargo, where required, can be performed by using non-intrusive imaging or sensing equipment. When detailed examinations are necessary on voluminous shipments, public authorities should perform such examinations in special areas or buildings, to be able to make quick progress and again to limit the intervention to a minimum.

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

In many countries the collection of statistical information is linked to the Customs formalities. In determining their requirements, public authorities, in particular Customs, should take into account and include the requirements of the statistical authorities to avoid a duplication of requirements. The use of information technology makes it possible to collect efficiently the

information required by public authorities. In many countries where paper declarations are still in use the Customs Declaration includes a copy destined for the statistical authorities. In countries where the declarations are processed electronically, the statistical information can easily be derived and electronically forwarded to the statistical authorities. The single entry point (Single Window concept) as mentioned in Recommended Practice 1.8.1 simplifies the collection and further distribution of information required by public authorities even further.

5.14 Recommended Practice. Public authorities should use systems for the electronic exchange of information for the purposes of obtaining information in order to accelerate and simplify clearance processes.

This Recommended Practice elaborates on a theme of using information technology mentioned in several provisions in Section 1. In many countries paper declarations are increasingly being replaced by electronic declarations, including for advance risk assessment purposes. This makes it also possible for public authorities to process the information electronically and to exchange information with the declarant on the progress of the settlement of the declaration. Also other additional information necessary for the clearance and risk assessment of the cargo can be exchanged electronically.

5.14.1 Recommended Practice. Public authorities should endeavour to quickly clear the transit procedure covering goods from another State awaiting loading.

To facilitate the international movement of cargo, the transit procedure covering cargo arriving from another country pending loading on an outward bound ship, could be terminated and cleared the moment the cargo is under Customs supervision in the port of loading and not be kept under the transit procedure until the cargo has left the Customs territory. However, in many countries the cargo has to be placed under a subsequent Customs procedure until loading. This procedure should be kept simple and could be based on the information already available in the transit declaration, for example through a copy of the transit declaration. Clearing the transit procedure is important for the declarant because in general cases, a guarantee at departure would have to be provided which should be released again at the earliest moment possible.

C. *Containers and pallets*

5.15 Standard. Public authorities shall, subject to compliance with their respective regulations, permit the temporary admission of containers and pallets without payment of customs duties and other taxes and charges and shall facilitate their use in maritime traffic.

Section 5, part C of this annex deals with the temporary admission of containers, pallets and other types of packaging. These items are often used frequently in all modes of transport. Although these packing materials are in principle subject to the payment of duties and taxes in connection with their importation, in practice almost all of these items will leave the country of import rapidly. These items will not stay in the country of importation and will probably be imported and re-exported in a number of countries on repeated occasions. The imposition of duties and taxes is considered unnecessary and it will also hamper international trade due to additional procedures. This has been recognized for many years and therefore international instruments for the reduction of procedures connected with the temporary importation of these items have been developed, such as the International Convention on Temporary Admission (Istanbul Convention) which covers rules on temporary admission. (See explanatory note under 5.8 for definition.)

Annex B3 of the Istanbul Convention covers the temporary admission concerning containers, pallets, packings, samples and other goods (including container accessories and equipment) imported in connection with a commercial operation. Annex B3 covers the obligations and recommendations mentioned in the provisions 5.14 up to and including 5.18.

5.16 Recommended Practice. Public authorities should provide in their regulations, referred to in Standard 5.15, for the acceptance of a simple declaration to the effect that containers and pallets temporarily imported will be re-exported within the time-limit set by the State concerned.

Annex B3 of the Istanbul Convention provides for temporary admission for at least 6 months and for a procedure of a simple undertaking without security in lieu of a Customs document, for example an oral declaration, and a more simplified procedure, such as a general undertaking for persons who use the temporary admission regularly.

5.17 Standard. Public authorities shall permit containers and pallets entering the territory of a State under the provisions of Standard 5.15 to depart the limits of the port of arrival for clearance of imported cargo and/or loading of export cargo under simplified control procedures and with a minimum of documentation.

Normally containers and pallets are part of the consignment and due to their nature are subservient to the cargo. In many countries containers and pallets are allowed for temporary importation based on an assumed (fictitious) Customs declaration. Any controls usually target the goods, but may also include the container and/or pallets.

5.18 Standard. Contracting Governments shall permit the temporary admission 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 5.15.

Annex B3 of the Istanbul Convention allows not only the temporary admission of containers, but also the component parts for the repair of containers and of container accessories and equipment.

D. Cargo not discharged at the port of intended destination

5.19 Standard. Where any cargo listed on the Cargo Declaration is not discharged at the port of intended destination, public authorities shall permit amendment of the Cargo Declaration and shall not impose penalties if satisfied that the cargo was not in fact loaded on the ship, or, if loaded, was landed at another port.

In today's international trade it is not uncommon for cargo to change its destination or ownership during the ship's voyage. For the same reason, it is possible that cargo is not loaded at the final moment before departure of the ship. In some cases goods can be sold more than once during a journey, e.g., in the case of goods sold on futures markets, such as oil, ore, metals and grain. In order to not to interfere with common commercial practices and not to complicate matters, public authorities should allow for the amendment of the Cargo Declaration in cases where they are satisfied with the reasons given and not impose any penalties. The situation mentioned in this Standard could occur more often now that for security reasons the information covered by the Cargo Declaration has to be submitted at an earlier stage in the logistical process as pre-arrival information.

5.20 Standard. When, by error or for another valid reason, any cargo is discharged at a port other than the port of intended destination, public authorities shall facilitate re-forwarding to its intended destination. This provision does not apply to dangerous, prohibited or restricted cargo.

It may occur that cargo is discharged unintentionally in a port and the cargo has to be sent to the intended port of destination. When the cargo is still under Customs supervision or storage and the goods have not yet been declared for a final Customs destination, whereby no duties and taxes have been paid, a simple procedure for re-exportation should be allowed based on the information submitted at entry. In other cases Customs should allow repayment of duties and taxes often based on a drawback procedure. To allow a repayment of duties and taxes, there should be ample proof that the incorrect discharge is due to a unintentional occurrence. When it is only a matter of a new destination of the cargo after clearance the normal procedures should be followed.

E. Limitation of shipowner's responsibilities

5.21 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.

In general the task of the shipowner is limited to his obligation to carry cargo from the port of departure to the port of destination on the order of the shipper, based on commercial documents, such as a sea waybill, bill of lading or the cargo manifest. As a result of this, the information concerning the cargo available to the shipowner is in many cases limited. For the preceding and subsequent activities, other parties in the logistical chain, such as forwarders, are involved and responsible for the necessary formalities regarding importation or exportation. Aside from cases where the shipowner is, or is acting for, the importer or exporter, public authorities should address these parties for the required information related to the importation or exportation of the cargo. Due to the security requirements in many parts of the world, it is quite possible that in the future more detailed information about the cargo, its origin and the buyer and seller will be required.

5.22 Standard. Public authorities shall not hold the shipowner responsible for the presentation or accuracy of documents which are required of the importer or exporter in connection with the clearance of cargo, unless the shipowner is, or is acting for, the importer or exporter.

Based on the explanation given to Standard 5.21 shipowners should not be held responsible for information given to the public authorities that originates from other parties in the logistical chain. However this does not indemnify shipowners from their obligation to accurately and in a timely fashion transmit the provided information to the public authorities.

Section 6 – Public health and quarantine, including sanitary measures for animals and plants

6.1 Standard. Public authorities of a State not Party to the International Health Regulations shall endeavour to apply the relevant provisions for these Regulations to international shipping.

A State, which is not Party to the International Health Regulations, shall apply, as much as possible, to the provisions of these Regulations in order to safeguard the sanitary conditions of the States that are Party to these regulations and international maritime traffic as a whole.

6.2 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 view of worldwide globalization and of technological improvement, the flow of travellers and of means of transportation has become faster and faster, generating the need of the development of partnerships and identification of common interests concerning the protection of the public and the prevention of the spread of disease and other threats to public health.

6.3 Recommended Practice. Where Sanitary Certificates or similar documents are required in respect of shipments of certain animals, plants or products thereof, such certificates and documents should be simple and widely publicized and Contracting Governments should co-operate with a view to standardizing such requirements.

Due to the environmental and clinical behaviour of certain agents which cause transmissible diseases, the presentation to the sanitary authority of Sanitary Quality Certificates for imported raw material originated from wild species of sanitary interest, as well as from the products containing them, becomes mandatory. These are preventive measures to be adopted by sanitary authorities in order to re-assure them that consumers avoid the hazards that affect public health.

6.4 Recommended Practice. Public authorities should whenever practicable authorize granting of pratique by radio to a ship when, on the basis of information received from it prior to its arrival, the health authority for the intended port of arrival is of the opinion that its arrival will not result in the introduction or spread of a quarantinable disease. Health authorities should as far as practicable be allowed to join a ship prior to entry of the ship into port.

6.4.1 Standard. Public authorities shall seek the co-operation of shipowners to ensure compliance with any requirement that illness on a ship is to be reported promptly by radio to health authorities for the port for which the ship is destined, in order to facilitate provision for the presence of any special medical personnel and equipment necessary for health procedures on arrival.

Free pratique by radio aims to expedite the operation of ships in ports, in order to minimize the necessary time for starting loading or unloading operations of cargoes and passengers. The system is applied when the documentation that has been submitted reveals a satisfactory assessment of information in order to be granted the respective Certificate, together with the exemption of onboard inspection, at the moment of its issuing.

6.5 Standard. Public authorities shall make arrangements to enable all travel agencies and others concerned to make available to passengers, sufficiently in advance of departure, lists of the vaccinations required by the public authorities of the countries concerned, as well as vaccination certificate forms conforming to the International Health Regulations. Public authorities shall take all possible measures to have vaccinators use the International Certificates of Vaccination or Re-Vaccination, in order to assure uniform acceptance.

The co-operation of travel agencies and other bodies, explaining to passengers the need of obtaining the International Vaccination or Re-Vaccination certificate, becomes an essential factor to assist sanitary authorities in carrying out the surveillance concerning the rules set up in the International Health Regulations, as well as on the spread and prevention of epidemics in the States.

6.6 Recommended Practice. Public authorities should provide facilities for the completion of International Certificates of Vaccination or Re-Vaccination as well as facilities for vaccination at as many ports as feasible.

With the purpose of facilitating international maritime traffic, every port shall provide sanitary surveillance stations, which shall be able to issue the relevant International Vaccination Certificates, or the International Certificates of Exemption.

6.7 Standard. Public authorities shall ensure that sanitary measures and health formalities are initiated forthwith, completed without delay, and applied without discrimination.

Every measure taken by sanitary authorities at port stations shall comply with the requirements of the International Health Regulations and with the Sanitary Law of the respective flag States. Every sanitary procedure shall start at the moment of arrival of information concerning the vessel at port facilities and shall be carried out during the shortest possible period of time and without any discrimination.

6.8 Recommended Practice. Public authorities should maintain, at as many ports as feasible, adequate facilities for the administration of public health, animal and agricultural quarantine measures.

The rightful application of the sanitary laws at ports and quarantine concerning plants and animals are essential factors in the prevention of epidemics and on the transmission of diseases to cattle and other species, as well on the phyto-sanitary preservation of Member States.

6.9 Standard. There shall be maintained readily available at as many ports in a State as feasible, such medical facilities as may be reasonable and practicable for the emergency treatment of crews and passengers.

Every port station shall keep medical facilities and health services available to maintain a flow of external direction for the proper medical care in urgency cases involving crew members and passengers.

6.10 Standard. Except in the case of an emergency constituting a grave danger to public health, a ship which is not infected or suspected of being infected with a quarantinable disease shall not, on account of any other epidemic disease, be prevented by the health authorities for a port from discharging or loading cargo or stores or taking on fuel or water.

Vessels proceeding from areas considered as hazardous by public health authorities, in accordance with the provisions of the International Health Regulations, shall berth only after the sanitary surveillance has ascertained that any possibility of risk has been removed. However, cases of urgency may be considered due to the need of berthing the vessel in order to remove the factors causing abnormalities on board, such as damage occurred in dangerous cargoes, evacuation of sick persons, etc., which may cause trouble on board that may render impractical the very operation of the vessel.

6.11 Recommended Practice. Shipments of animals, animal raw materials, crude animal products, animal foodstuffs and quarantinable plant products should be permitted in specified circumstances when accompanied by a quarantine certificate in the form agreed by the States concerned.

In such cases, the Quality Certificate of raw material and of respective products and, whenever relevant to the international epidemiologic context, the International Veterinary Certificate shall be required for the respective raw material providing from ruminant animals.

Section 7 – Miscellaneous provisions

A. *Bonds and other forms of security*

7.1 **Recommended Practice.** Where public authorities require bonds or other forms of security from shipowners to cover liabilities under the customs, immigration, public health, agricultural quarantine or similar laws and regulations of a State, they should permit the use of a single comprehensive bond or other form of security wherever possible.

The measure aims at the facilitation of bureaucratic procedures carried out, by the ship, when a financial requirement is made by State authorities.

B. *Services at ports*

7.2 **Recommended Practice.** The normal services of public authorities at a port should be provided without charge during normal working hours. Public authorities should establish normal working hours for their services at ports consistent with the usual periods of substantial workload.

As a consequence of the requirement that the services have to be ordered by the public authorities themselves, this burden should not be charged to shipowners. The institution of regular schedules has the purpose of enabling the Government to save resources and to reduce costs.

7.3 **Standard.** Contracting Governments shall adopt all practicable measures to organize the normal services of public authorities at ports in order to avoid unnecessary delay of ships after their arrival or when ready to depart and reduce the time for completion of formalities to a minimum, provided that sufficient notice of estimated time of arrival or departure shall be given to the public authorities.

The Standard highlights the very principle of the Convention, that is facilitating the requirements at ports in order to reduce ships' stay and simplifying procedures. The need for information concerning the estimated time of arrival and of departure in order to help with the routine and operational administrative organization of the port administration.

7.4 **Standard.** No charge shall be made by a health authority for any medical examination, or any supplementary examination, whether bacteriological or otherwise, carried out at any time of the day or night, if such examination is required to ascertain the health of the person examined, nor for visit to and inspection of a ship for quarantine purposes except inspection of a ship for the issue of a De-ratting or De-ratting Exemption Certificate, nor shall a charge be made for any vaccination of a person arriving by ship nor for a certificate thereof. However, where measures other than these are necessary in respect of a ship or its passengers or crew and charges are made for them by a health authority, such charges shall be made in accordance with a single tariff which shall be uniform to the territory concerned and they shall be levied without distinction as to the nationality, domicile or residence of any person concerned or as to the nationality, flag, registry or ownership of the ship.

Medical visits to vessels shall be charged to shipowners through their respective agents.

7.5 Recommended Practice. When the services of public authorities are provided outside the regular working hours referred to in Recommended Practice 7.2, they should be provided on terms which shall be moderate and not exceed the actual cost of the services rendered.

Rendering of services out of regular working time shall be carried out at reasonable cost, in order to not increase the cost of the respective port tariffs with repercussions on the value of freight, whilst meeting the needs of clearing vessels.

7.6 Standard. Where the volume of traffic at a port warrants, public authorities shall ensure that services are provided for the accomplishment of the formalities in respect of cargo and baggage, regardless of value or type.

Hiring by public authorities of services performed by third parties shall be made in order to maintain a steady maritime traffic flow when regular services offered by Contracting Governments are not meeting the necessary demand concerning ships clearance.

7.7 Recommended Practice. Contracting Governments should endeavour to make arrangements whereby one Government will permit another Government certain facilities before or during the voyage to examine ships, passengers, crew, baggage, cargo and documentation for customs, immigration, public health, plant and animal quarantine purposes when such action will facilitate clearance upon arrival in the latter State.

By means of the conclusion of bilateral agreements, bordering or non-bordering States may settle rules of understanding, in order that a State is able to anticipate measures that will enable the reduction of the stay in ports of other State.

C. Emergency assistance

7.8 Standard. Public authorities shall facilitate the arrival and departure of ships engaged in:

- disaster relief work;
- the rescue of persons in distress at sea in order to provide a place of safety for such persons;
- the combating or prevention of marine pollution; or
- other emergency operations designated to enhance maritime safety, the safety of life at sea, the safety of the population or the protection of the marine environment.

The very nature of rescue operations, natural disasters, rescue of persons in distress at sea and other similar operations are duties that, by their very nature, require that States act with urgency in order to ensure their quick execution. Therefore ports shall adopt standards facilitating the arrival and departure of ships used on these operations.

7.9 Standard. Public authorities shall, to the greatest extent possible, facilitate the entry and clearance of persons, cargo, material and equipment required to deal with situations described in Standard 7.8.

Clearance of persons, materials and cargoes used in the operations described in Standard 7.8 shall, by a matter of simplicity and coherence, follow the same rules which apply to these special duties.

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

The implementation of protective measures is an important factor for the integrity and safety of international maritime traffic. Therefore, all possible facilities shall be provided in order to contribute to the measures recommended to ensure such protection.

D. National facilitation committees

7.11 Recommended Practice. Each Contracting Government should, where it considers such action necessary and appropriate, establish a national maritime transport facilitation programme based on the facilitation requirements of this annex and ensure that the objective of its facilitation programme should be to adopt all practical measures to facilitate the movement of ships, cargo, crews, passengers, mail and stores, by removing unnecessary obstacles and delays.

A national maritime transport facilitation programme is an instrument of great importance for the effective national implementation of the measures prescribed in the Convention.

7.12 Recommended Practice. Each Contracting Government should establish a national maritime transport facilitation committee or a similar national co-ordinating body, for the encouragement of the adoption and implementation of facilitation measures, between governmental departments, agencies and other organizations concerned with, or responsible for, various aspects of international maritime traffic, as well as port authorities and shipowners.

The diversity of public agencies, private agencies, shipping companies and shipping operators processing a great diversity of documents require the adoption of a harmonized and standardized documentation system, in order to contribute to its uniformity and to the simplicity of the facilitation of maritime traffic.

In order to achieve this purpose, it is recommended that a national maritime transport facilitation committee or a co-ordination agency is established, in order to guide all activities required by the Convention.

In establishing a national maritime transport facilitation committee or a similar national co-ordinating body, Contracting Governments are invited to take into account the guidelines set out in FAL.5/Circ.2.