

RESOLUTION FAL.2(19)

adopted on 3 May 1990

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

THE FACILITATION COMMITTEE,

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

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

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

1. ADOPTS, in accordance with article VII(2)(a) of the Convention, amendments to section 1B. General Provisions, Standards 3.16.7 and 3.17.1 and Recommended Practices 2.12, 2.12.1, 3.9.1, 3.11 and 3.11.1 and new Recommended Practices 1.3, 2.7.6.1, 3.11.2, 3.11.3, 3.11.4, 3.11.5, 5.13 and 5.14 of the Annex to the Convention, the texts of which are set out in the Annex to the present resolution;
2. DETERMINES, in accordance with article VII(2)(b) of the Convention, that the amendments shall enter into force on 1 September 1991 unless, prior to 1 June 1991 at least one third of Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments;
3. REQUESTS the Secretary-General, in conformity with article VII(2)(a) of the Convention, to communicate the amendments contained in the Annex to all Contracting Governments;
4. FURTHER REQUESTS the Secretary-General to notify all Signatory Governments of the adoption and entry into force of the amendments.

ANNEX

AMENDMENTS TO THE ANNEX TO THE CONVENTION ON FACILITATION OF
INTERNATIONAL MARITIME TRAFFIC, 1965, AS AMENDED, ADOPTED
BY THE FACILITATION COMMITTEE ON 3 MAY 1990

Amend section 1B. GENERAL PROVISIONS to read:

"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."

A new Recommended Practice 1.3 is added to read:

"1.3 Recommended Practice. Measures and procedures imposed by Contracting Governments for purposes of security or narcotics control should be efficient and, where possible, utilize advance techniques, including Automatic Data Processing (ADP). Such measures and procedures 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."

A new Recommended Practice 2.7.6.1 is added to read:

"2.7.6.1 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 to the original port by any means of transportation and specifying any other conditions imposed by the authorities, should be handed over to the shipowner or operator responsible for the removal of the stowaway. This letter will include information required by the authorities at transit points and at the original point of embarkation."

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

Recommended Practice 2.12 is amended to read:

"2.12 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."

Recommended practice 2.12.1 is amended to read:

"2.12.1 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 reforwarding 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."

Recommended Practice 3.9.1 is amended to read:

"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."

Recommended Practice 3.11 is amended to read:

"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."

Recommended Practice 3.11.1 is amended to read:

"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."

New Recommended Practices 3.11.2, 3.11.3, 3.11.4 and 3.11.5 are added to read:

"3.11.2 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.

3.11.3 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.

3.11.4 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.

3.11.5 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."

Standard 3.16.7 is amended to read:

"3.16.7 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."

Standard 3.17.1 is amended to read:

"3.17.1 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."

A new section 5G is added to read:

"G NATIONAL FACILITATION COMMITTEES

- 5.13 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.
- 5.14 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 with port authorities, shipowners and operators.

Note: 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."