

RESOLUTION FAL.4(22)
adopted on 29 April 1993

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

THE FACILITATION COMMITTEE,

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

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

HAVING CONSIDERED, at its twenty-second 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 the Convention, the text of which is set out in the Annex to the present resolution;
2. DETERMINES, in accordance with article VII(2)(b) of the Convention, that the amendments shall enter into force on 1 September 1994 unless, prior to 1 June 1994, 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, in conformity with article VII(4) of the Convention, to notify all signatory Governments of the adoption and entry into force of the said amendments.

ANNEX

AMENDMENTS TO THE ANNEX TO THE FAL CONVENTION

1 Section 2 - ARRIVAL, STAY AND DEPARTURE OF THE SHIP:

- .1 Recommended Practice 2.3.5 is upgraded to Standard 2.3.5 and amended to read:

"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.

Note: 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 IMO Cargo Declaration form could be used, with the title amended, e.g. to read: "Unmanifested Parcels List".

- .2 Recommended Practice 2.7.6.1 is amended 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 either to his country of origin or to the point where the stowaway commenced his journey, as appropriate, by any means of transportation and specifying any other conditions imposed by the authorities, should be handed over to the operator effecting the removal of the stowaway. This letter will include information required by the authorities at transit points and/or the point of disembarkation.

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

2 Section 4 - ARRIVAL, STAY AND DEPARTURE OF CARGO AND OTHER ARTICLES:

.1 Recommended Practice 4.9 is amended to read:

"4.9 Recommended Practice. Public authorities should provide in their regulations, referred to in Standard 4.8, 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."

.2 Standard 4.10 is amended to read:

"4.10 Standard. Public authorities shall permit containers and pallets entering the territory of a State under the provisions of Standard 4.8 to depart the limits of 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."