

FACILITATION COMMITTEE  
44th session  
Agenda item 20

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## ANY OTHER BUSINESS

### **Suggestions for possible amendments to the annex of the FAL Convention to ensure the facilitation of maritime traffic during a public health emergency of international concern**

**Submitted by ICS, IAPH, BIMCO, IMPA, IFSMA, CLIA, INTERCARGO,  
INTERMANAGER, IPTA, IMCA, FONASBA, ITF and WSC**

#### SUMMARY

*Executive summary:* As requested by the Council, ICS and the co-sponsors make some preliminary suggestions, for consideration by the Committee, for possible amendments to the annex of the FAL Convention, to ensure the facilitation of maritime traffic during a public health emergency of international concern

*Strategic direction, if applicable:* 5

*Output:* 5.10

*Action to be taken:* Paragraph 10

*Related documents:* C/ES.32/D and Circular Letter 4204 series

1 The Committee will be very aware of the tremendous challenges presented by the COVID-19 pandemic to the smooth operation of the maritime transport industry and to the maintenance of efficient global supply chains. The Committee will also be aware of the helpful recommendations and guidance circulated to Member States by the IMO Secretary-General as part of the Circular Letter 4204 series.

2 The thirty-second extraordinary session of the Council was held from 4 May to 3 August 2020 and the Council, inter alia, encouraged (C/ES.32/D, paragraph 4.3):

- .1 ICS and interested Member States to present the proposals in documents C/ES.32/4/1 and C/ES.32/4/2, supported by the United Arab Emirates (C/ES.32/Communication/6), to the Facilitation (FAL) Committee, for consideration with a view to amending the recommended practices in the annex to the FAL Convention, taking into account the circular letters issued during the pandemic.

3 As requested by the Council, ICS and the co-sponsors therefore wish to present some preliminary suggestions, as contained in the annex, for consideration by the Committee, which take account of relevant recommendations contained within the Circular Letter 4204 series.

4 These suggestions are presented as possible amendments to the annex of the FAL Convention to ensure the facilitation of maritime traffic during a public health emergency of international concern, and are presented in a manner intended to be compatible with the general approach taken by the existing provisions of the FAL Convention, recognizing the need to take account of national circumstances.

5 The co-sponsors acknowledge that if such amendments, or something similar, were taken forward by the Committee for further development and subsequent adoption, by the time they had entered into force it is possible that the worst impacts of COVID-19 might be over. Nonetheless, there are some important lessons to be learned from the initial responses of the Organization, Member States and national authorities to the COVID-19 pandemic, which may also be very relevant should similar pandemic emergencies affect international shipping operations in the future.

6 Accordingly, ICS and the cosponsors tentatively suggest that most of these issues could be addressed in the annex to FAL by a new self-standing section E under section 7 'Miscellaneous provisions'.

7 In addition, given the importance of ensuring that ships' crew who may require immediate medical care are always given access to medical facilities ashore, and noting problems in this regard that have sometimes been experienced by ships during the current pandemic, a further amendment is suggested to section 6 of the annex to the FAL Convention in order to highlight the critical importance of governments adhering, inter alia, to this humanitarian obligation.

8 These suggestions are not offered as definitive proposals for amendments and are only submitted as preliminary ideas to help facilitate discussion at FAL 44. It is recognized that Contracting Governments to the FAL Convention will no doubt wish to make their own proposals and suggestions for improvements to these preliminary ideas.

9 The Committee is therefore requested to consider whether these suggestions, among others, might be considered by the Correspondence Group on the Review and Update of the annex to the FAL Convention, if re-established by FAL 44, with a view to developing firm proposals for amendments for consideration and possible agreement at FAL 45.

#### **Action requested of the Committee**

10 The Committee is invited to consider the suggested amendments of the annex to the FAL Convention and take action, as appropriate.

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## ANNEX

### SUGGESTED AMENDMENTS TO THE ANNEX OF THE FAL CONVENTION TO ENSURE THE FACILITATION OF MARITIME TRAFFIC DURING A PUBLIC HEALTH EMERGENCY OF INTERNATIONAL CONCERN

#### Section 6

##### Public health and quarantine, including sanitary measures for animals and plants

*Before existing paragraph 6.9 insert:*

**6.8bis Standard.** Contracting Governments and relevant authorities shall ensure that ships' crew who require immediate medical care while in their territory are given access to medical facilities ashore.

*After existing paragraph 6.9 insert:*

**6.9bis Recommended practice.** Contracting Governments and relevant authorities should facilitate prompt and efficient disembarkation of crew to receive medical care at medical facilities ashore, including access to medical prescriptions, and should ensure that this is effectively managed through good communication and cooperation between the ship and the relevant authorities ashore.

**6.9ter Recommended practice.** Contracting Governments and relevant authorities should ensure that ship's crews are promptly admitted to clinics and hospitals ashore, without difficulty and irrespective of nationality, religious belief or flag of their ship, and, whenever possible, arrangements should be made to ensure, when necessary, the continuation of treatment to supplement the medical facilities available to ships' crews.

#### Section 7

##### Miscellaneous provisions

*After existing section D, insert new section E:*

##### **E. Response to a public health emergency of international concern<sup>1</sup>**

**7.13 Standard.** Public authorities shall, to the greatest extent possible, allow ships and ports to remain fully operational, in order to maintain complete functionality of supply chains during a public health emergency.

**7.14 Recommended practice.** Contracting Governments and their relevant authorities should facilitate the continuing operation of shipping, and ports under their jurisdiction, to allow the transport of marine cargoes so that supply chains are not disrupted and to allow the global economy to continue to function during a public health emergency.

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<sup>1</sup> Defined and determined in accordance with the International Health Regulations (2005).

**7.15 Recommended practice.** Contracting Governments and their relevant authorities, when implementing policies and measures to protect public health, should avoid the introduction of any obstacles to ship and port operations, including the movement of ship's crew for the purposes of crew changes, repatriation and travel of crews, as well as the wider functionality of port ecosystems (terminals, warehouses, rail and trucking services, etc.) during a public health emergency.

**7.16 Recommended practice.** Contracting Governments and their relevant authorities, when implementing policies and measures to protect public health, should engage with appropriate stakeholders within their national shipping and ports sectors to discuss arrangements and any contingencies to secure continued facilitation of maritime trade, including port hinterland connections, during a public health emergency.

**7.17 Standard.** Public authorities shall ensure that ships, prior to arrival at a port or anchorage in its territory, are provided with relevant information about the public health emergency and the associated public health measures being implemented, to enable ships to implement their relevant plans and procedures and the provision of necessary guidance to their crews.

**7.18 Recommended practice.** Contracting Governments and their relevant authorities are encouraged to provide ships, visiting ports or anchorages in their territory, with information related to the public health emergency, including on recommended health protection measures based on scientific or medical advice (e.g. on standard infection prevention measures, personal protective equipment (PPE) and cleaning and disinfection procedures).

**7.19 Recommended practice.** Contracting Governments and their relevant authorities are encouraged to request ships, visiting ports or anchorages in their territory, to report any cases of illness or symptoms on board, related to the public health emergency, as early as possible before arrival, to the relevant authority in the port, and to advise ships to monitor shipboard personnel regularly, while the ship is visiting ports or anchorages in their territory, for the exhibition of any symptoms, and to report any changes in circumstances of the health of shipboard personnel to the relevant authority in the port.

**7.20 Standard.** Public authorities shall ensure a safe ship-shore interface during the public health emergency.

**7.21 Recommended practice.** Public authorities should assess any risks to ships and ports during the public health emergency and ensure they are effectively managed through good communication and cooperation between relevant authorities ashore and the ship.

**7.22 Recommended practice.** Contracting Governments and their relevant authorities should ensure that policies and measures to protect public health do not obstruct the provision of essential services to ships, including the delivery of provisions, supplies or spare parts during the public health emergency.

**7.23 Recommended practice.** Contracting Governments and their relevant authorities should take account of recommendations of the Organization relevant to ensuring a safe ship-shore interface between ship and shore-based personnel.

**7.24 Standard.** Contracting Governments shall ensure that port workers and ship's crew, regardless of their nationality or flag of their ship, when in their territory, are designated as *key workers* (or equivalent) providing an essential service during a public health emergency.

**7.25 Standard.** Public authorities shall, to the greatest extent possible, continue to facilitate ship's crew changes, including the travel and repatriation of crew, during a public health emergency.

**7.26 Recommended practice.** Contracting Governments and their relevant authorities should take account of recommendations of the Organization<sup>2</sup> relevant to the facilitation of crew changes and travel by ship's crew during a public health emergency.

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<sup>2</sup> Refer to MSC.1/Circ.[XXXX] on [*Recommended framework of protocols for safe crew travel and changes.*]