

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2005 Nr. 190

A. TITEL

*Verdrag inzake het vergemakkelijken van het internationale verkeer ter zee;
(met bijlage)
Londen, 9 april 1965*

B. TEKST

De tekst van Verdrag en Bijlage is geplaatst in *Trb.* 1966, 162.
Zie ook de rubrieken J van *Trb.* 1971, 113, *Trb.* 1974, 68, *Trb.* 1978, 36, *Trb.* 1983, 122, *Trb.* 1986, 115, *Trb.* 1989, 71, *Trb.* 1992, 136, *Trb.* 1993, 135, *Trb.* 1994, 209 en *Trb.* 1996, 198.

Resolutie FAL.6(27) van 9 september 1999

Tijdens haar zevenentwintigste zitting heeft de Vereenvoudigingscommissie op 9 september 1999 in overeenstemming met artikel VII, tweede lid, onderdeel a, van het Verdrag bij Resolutie FAL.6(27) wijzigingen aangenomen.

De Engelse¹⁾ tekst van genoemde resolutie luidt als volgt:

Resolution FAL.6(27)

Adopted on 9 September 1999

**Adoption of Amendments to the Convention on Facilitation of
International Maritime Traffic, 1965, as amended**

The Facilitation Committee,

¹⁾ De Franse tekst is niet afgedrukt.

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-seventh session, amendments to the Annex to the Convention proposed and circulated in accordance with article VII(2)(a) thereof,

1. Adopts, in accordance with article VII(2)(a) of the Convention, the amendments to the Convention, the text of which is set out in the annex to the present resolution;

2. Determines, in accordance with article VII(2)(b) of the Convention, that the amendments shall enter into force on 1 January 2001 unless, prior to 1 October 2000 at least one-third of Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments;

3. Requests the Secretary-General, in conformity with article VII(2)(a) of the Convention, to communicate the amendments contained in the annex to all Contracting Governments;

4. Further requests the Secretary-General to notify all Signatory Governments of the adoption and entry into force of the said amendments.

Annex

Amendments to the Annex to the FAL Convention, as amended

SECTION 1 – DEFINITIONS AND GENERAL PROVISIONS

C. *Electronic data-processing techniques*

1. Upgrade Recommended Practice 1.4 to a Standard and amend the text as follows:

“1.4. *Standard*. When introducing electronic data interchange (EDI) techniques 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.”

2. Amend existing Standard 1.5 as follows:
“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.”
3. Amend existing Standard 1.6 as follows:
“1.6. *Standard*. Public authorities, when introducing electronic data interchange (EDI) techniques for clearance processes, shall limit the information they require from shipowners and other parties concerned to that required by the FAL Convention.”
4. Amend the opening clause of Recommended Practice 1.7 as follows:
“1.7. *Recommended Practice*. When planning for, introducing or modifying electronic data interchange (EDI) techniques for clearance processes, public authorities should:”
5. Amend existing Standard 1.8 as follows:
“1.8. *Standard*. Public authorities, when introducing electronic data interchange (EDI) techniques 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 techniques.”
6. Add a new chapter D. Illicit drug trafficking as follows:

“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.

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.

1.11. *Recommended Practice*. Public authorities should use risk analysis to improve their ability to target illicit drug movements thereby facilitating the legitimate circulation of persons and goods.”

*) Since 1994 known as the World Customs Organization.

SECTION 2 – ARRIVAL, STAY AND DEPARTURE OF THE SHIP

B. *Contents and purpose of documents*

1. In Recommended practice 2.3.1 insert the words “container identification, where appropriate;” before the words “marks and numbers” at the fifth bullet point under (a) and the fourth bullet point under (b).
2. Add the following note to the text of Recommended Practice 2.3.1:
“*Note:* 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.”
3. Amend Recommended Practice 2.5.2 as follows:
“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.”
4. Replace the text in Box 2 of FAL Form 4 by the following:
“Effects ineligible for relief from Customs duties and taxes or subject to prohibitions and restrictions.”

SECTION 3 – ARRIVAL AND DEPARTURE OF PERSONS

A. *Arrival and departure of persons*

1. Add a new Standard 3.3.3 and a new Recommended Practice 3.3.4 as follows:
“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.
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.”
2. Renumber existing Standard 3.3.3 as 3.3.5 and add a new Standard 3.3.6 as follows:
“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 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.”

3. Renumber existing Standard 3.3.4 as 3.3.7.

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

1. Replace Standard 3.15.1 by the following:

“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.”

2. Insert a new Standard 3.15.2 as follows:

“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.”

3. Renumber existing Recommended Practice 3.15.2 as 3.15.3.

SECTION 4 – ARRIVAL, STAY AND DEPARTURE OF CARGO AND OTHER ARTICLES

A. General

1. Amend Recommended Practice 4.3 as follows:

“4.3. *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 mail are stored prior to shipment by sea should be protected against access by unauthorized persons at all times”

2. Insert a new Standard 4.4 to read as follows:

“4.4. *Standard.* A Contracting Government which continues to require export, import and transshipment licences or permits for certain types of goods shall establish simple procedures whereby such licences or permits can be obtained and renewed rapidly.”

3. Insert a new Recommended Practice 4.5 to read as follows:

“4.5. *Recommended Practice.* When the nature of a consignment

could attract the attention of different clearance agencies, e.g. Customs and veterinary or sanitary controllers, Contracting Governments should delegate authority for clearance to Customs or one of the other agencies or, where not feasible, take all necessary steps to ensure that clearance is carried out simultaneously at one place and with a minimum of delay.

4. Renumber existing Recommended Practice 4.4 as 4.6.

B. *Clearance of export cargo*

1. Replace the titles “B. Clearance of export cargo” and “C. Clearance of import cargo” with: “B. Clearance of cargo”.

2. Renumber the existing titles “D”, “E” and “F” as “C”, “D” and “E” respectively.

3. Replace existing Recommended Practice 4.7 by the following:
“4.7. *Recommended Practice.* Public authorities should develop procedures to use pre-arrival information in order to facilitate the processing of customs declarations and to permit clearance prior to the arrival of cargo.”

4. Add the following new Standards and Recommended Practices to Section 4B:

“4.8. *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 Kyoto Convention.

4.9. *Standard.* Public authorities shall limit physical interventions to the minimum necessary to ensure compliance with the law by using risk assessment to target cargo for examination.

4.10. *Recommended Practice.* In so far 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.

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

4.12. *Recommended Practice.* Public authorities should use electronic data interchange (EDI) techniques for the purposes of obtaining information in order to accelerate and simplify clearance processes.”

5. Renumber existing Standards and Recommended Practices 4.5 to 4.15 accordingly.
-

Resolutie FAL.7(29) van 10 januari 2002

Tijdens haar negenentwintigste zitting heeft de Vereenvoudigingscommissie op 10 januari 2002 in overeenstemming met artikel VII, tweede lid, onderdeel a, van het Verdrag bij Resolutie FAL.7(29) wijzigingen aangenomen.

De Engelse¹⁾ tekst van genoemde resolutie luidt als volgt:

Resolution FAL.7(29)

Adopted on 10 January 2002

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-ninth session, amendments to the Annex to the Convention proposed and circulated in accordance with article VII(2)(a) thereof,

1. Adopts, in accordance with article VII(2)(a) of the Convention, the amendments to the Convention, the text of which is set out in the annex to the present resolution;

2. Determines, in accordance with article VII(2)(b) of the Convention, that the amendments shall enter into force on 1 May 2003 unless, prior to 1 February 2003 at least one-third of Contracting Governments have notified the Secretary-General in writing that they do not accept the amendments;

3. Requests the Secretary-General, in conformity with article VII(2)(a) of the Convention, to communicate the amendments contained in the Annex to all Contracting Governments;

4. Further requests the Secretary-General to notify all Signatory Governments of the adoption and entry into force of the said amendments.

¹⁾ De Franse tekst is niet afgedrukt.

Annex**Amendments to the Annex to the FAL Convention, as amended**

SECTION 1 – DEFINITIONS AND GENERAL PROVISIONS

A. *Definitions*

1. Add the following definitions:

“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.”

“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.”

“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.”

SECTION 2 – ARRIVAL, STAY AND DEPARTURE OF THE SHIP

2. In 2.1 *Standard*, a note should be added as follows:

“Note:

The following FAL forms have been developed, as presented in Appendix 1:

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

3. Add two renumbered new paragraphs after the existing paragraph 2.7.5 as follows:

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

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

- Name of ship
- IMO number

- Nationality of ship
- Master's name
- Voyage reference
- 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”

4. Renumber existing paragraphs 2.8 to 2.26 accordingly from 2.9 to 2.27 and amend the associated footnote under paragraph 2.13.

5. Delete paragraphs 2.7.6 and 2.7.6.1 and associated notes.

6. In renumbered paragraph 2.11 *Standard*, insert a new bullet as follows:

- “• 1 copy of the Dangerous Goods Manifest”

7. In renumbered paragraph 2.12 *Standard*, insert a new bullet as follows:

- “• 1 copy of the Dangerous Goods Manifest”

8. In the footnote under paragraph 3.3.1 replace “appendix 4” by “appendix 2”.

9. New Section 4 should be added as follows:

“SECTION 4 – STOWAWAYS.”

A. *General Principles*

4.1. *Standard*. The provisions in this section shall be applied in accor-

dance 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.*

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.

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 stow away 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.

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 shore-side 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;

* 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)).

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 authorised to be in the port area.

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.

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 ship's 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.

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.

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.

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.

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.

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.

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.

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.

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

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.

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.

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.

E. *Disembarkation and return of a stowaway*

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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, authorising 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.

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.

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.

4.15. *Cost of return and maintenance of stowaways*

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.

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.

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.

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.”

10. Sections 4, 5 and 6, and corresponding paragraphs should be renumbered as sections 5, 6 and 7.

11. In renumbered paragraphs 5.16, 5.17 and 5.18 replace “Standard 4.8” by “Standard 5.15”.

12. In renumbered paragraph 7.5 replace “Standard 6.2” by “Standard 7.2”.

13. In renumbered paragraph 7.9 replace “Standard 6.2” by “Standard 7.8”.

14. Appendices should be renumbered as follows:

- .1 Appendix 1 to be kept as Appendix 1;
- .2 Appendix 2 to become Appendix 6;
- .3 Appendix 3 to become Appendix 4;
- .4 Appendix 4 to become Appendix 2;
- .5 Appendix 5 to be kept as Appendix 5; and
- .6 Appendix 6 to become Appendix 7.

15. Add the following new Appendix 3 – *Form referred to in Recommended Practice 4.6.2*:

“Appendix 3

Form of Stowaway Details referred to in Recommended Practice 4.6.2

SHIP DETAILS	
Name of ship:	ID-document type, e.g. Passport No.,
IMO number:	ID Card No. or Seaman’s book No.:
Flag:	If yes,
Company:	When issued:
Company address:	Where issued:
Agent in next port:	Date of expiry:
Agent address:	Issued by:
IRCS:	Photograph of the stowaway:

17. At the end of Form 6 in Appendix 1 delete the entire text starting with “Example of a form...”.

C. VERTALING

Zie *Trb.* 1966, 162, *Trb.* 1986, 115 en rubriek J van *Trb.* 1974, 68, *Trb.* 1993, 135, *Trb.* 1994, 209 en *Trb.* 1996, 198.

D. PARLEMENT

Zie *Trb.* 1967, 174, *Trb.* 1974, 68, *Trb.* 1978, 36, *Trb.* 1983, 122 en rubriek J van *Trb.* 1989, 71, *Trb.* 1992, 136, *Trb.* 1993, 135, *Trb.* 1994, 209 en *Trb.* 1996, 198.

Resolutie FAL.5(24) van 11 januari 1996

De wijzigingen van de Bijlage van 11 januari 1996 (tekst in rubriek J van *Trb.* 1996, 198) zijn bij brieven van 3 september 1997 in overeenstemming met artikel 13, eerste en tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen ter kennis gebracht van de Eerste en de Tweede Kamer der Staten-Generaal en van de Staten van de Nederlandse Antillen en Aruba.

Resolutie FAL.6(27) van 9 september 1999

De wijzigingen behoeften ingevolge artikel 7, onderdeel f, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

Resolutie FAL.7(29) van 10 januari 2002

De wijzigingen behoeften ingevolge artikel 7, onderdeel f, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

E. PARTIJGEGEVENS

Zie *Trb.* 1966, 162 en rubriek F van *Trb.* 1967, 174.

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Algerije	09-04-65	28-11-83	R	27-01-84		
Argentinië	09-04-65	29-01-80	R	29-03-80		
Australië		28-04-86	T	27-06-86		
Bahama's		22-07-76	T	20-09-76		
Bangladesh		21-09-00	T	20-11-00		
Barbados		30-09-82	T	29-11-82		
België	09-09-65	04-01-67	R	05-03-67		
Benin		02-03-92	T	01-05-92		
Brazilië	09-04-65	22-08-77	R	21-10-77		
Bulgarije		22-04-99	T	21-06-99		
Burundi		29-09-98	T	28-11-98		
Canada	09-04-65	18-07-67	R	16-09-67		
Chili		14-02-75	T	15-04-75		
China		16-01-95	T	17-03-95		
Colombia		03-06-91	T	02-08-91		
Congo, Republiek		07-08-02	T	06-10-02		
Cuba		27-11-84	T	26-01-85		
Denemarken	09-04-65	09-01-68	R	09-03-68		
Dominica		31-08-01	T	30-10-01		
Dominicaanse Republiek, de	09-04-65	11-07-66	R	05-03-67		
Duitsland	09-04-65	26-07-67	R	24-09-67		
Ecuador	09-04-65	17-05-88	R	16-07-88		
Egypte	09-04-65	19-02-87	R	20-04-87		
Estland		22-03-02	T	21-05-02		
Fiji-eilanden		29-11-72	T	28-01-73		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Filippijnen, de	09-04-65					
Finland	09-04-65	20-03-67	R	19-05-67		
Frankrijk	09-04-65	29-11-67	R	28-01-68		
Gambia		01-11-91	T	31-12-91		
Georgië		25-08-95	T	24-10-95		
Ghana	09-04-65	05-11-65	R	05-03-67		
Griekenland	09-04-65		R	07-08-72		
Guinee		19-01-81	T	20-03-81		
Guyana		10-12-97	T	08-02-98		
Hongarije	09-04-65	15-12-76	R	13-02-77		
Ierland	09-04-65	18-06-71	R	17-08-71		
IJsland		24-01-67		05-03-67		
India		25-05-76	T	24-07-76		
Indonesië		04-11-02	T	03-01-03		
Irak		15-11-76	T	14-01-77		
Iran		27-03-95	T	26-05-95		
Israël	09-04-65	13-10-67	R	12-12-67		
Italië	09-04-65	25-09-72	R	24-11-72		
Ivoorkust	09-04-65	16-02-67	R	05-03-67		
Japan	30-09-65					
Jemen		06-03-79	T	05-05-79		
Joegoslavië (< 25-06-1991)	09-04-65	18-07-66	R	05-03-67		
Jordanië		27-03-97	T	26-05-97		
Kaapverdië		28-04-77	T	27-06-77		
Kameroen		10-04-97	T	09-06-97		
Kroatië		27-07-92	VG	08-10-91		
Letland		20-01-98	T	21-03-98		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Libanon	09-04-65	17-07-01	R	15-09-01		
Liberia		14-02-78	T	15-04-78		
Litouwen		25-01-00	T	25-03-00		
Luxemburg		14-02-91	T	15-04-91		
Madagascar	09-04-65	08-07-70	R	06-09-70		
Maleisië	09-04-65					
Malta		24-09-02	T	23-11-02		
Marshall- eilanden, de		29-11-94	T	28-01-95		
Mauritius		18-06-90	T	17-08-90		
Mexico		31-05-83	T	30-07-83		
Monaco		09-04-65	DO	05-03-67		
Nederlanden, het Koninkrijk der (voor Nederland en de Nederlandse Antillen) (voor Aruba)	06-10-65	21-09-67	R	20-11-67 01-01-86		
Nicaragua	09-04-65					
Nieuw-Zeeland		21-07-73	T	25-09-73		
Nigeria		24-01-67	R	05-03-67		
Noord-Korea		24-04-92	T	23-06-92		
Noorwegen	09-10-65	08-09-66	R	05-03-67		
Oekraïne	09-04-65	25-10-93	R	24-12-93		
Oostenrijk		20-06-75	T	19-08-75		
Peru		16-07-82	T	14-09-82		
Polen	09-04-65	25-07-69	R	23-09-69		
Portugal		06-08-90	T	05-10-90		
Roemenië		25-04-01	T	24-06-01		
Russische Federatie	09-04-65	25-10-66	R	05-03-67		

Partij	Onder- tekening	Ratifi- catie	Type ¹⁾	In werking	Opzeg- ging	Buiten werking
Senegal	09-04-65	17-10-80	R	16-12-80		
Seychellen, de		13-12-89	T	11-02-90		
Singapore		03-04-67	T	02-06-67		
Slovenië		12-11-92	VG	25-06-91		
Slowakije		30-01-95	VG	01-01-93		
Spanje	09-10-65	24-08-73	R	23-10-73		
Sri Lanka		06-03-98	T	05-05-98		
Suriname		29-11-75	VG	25-11-75		
Syrië		06-02-75	T	07-04-75		
Taiwan	09-04-65	19-07-68	R	18-09-68		
Thailand		28-11-91	T	27-01-92		
Trinidad en Tobago	09-04-65	16-03-67	R	15-05-67		
Tsjechië		19-10-93	VG	01-01-93		
Tsjechoslowa- kije (<01-01- 1993)		19-12-66	T	05-03-67		
Tunesië		27-01-69	T	28-03-69		
Uruguay		02-12-92	T	31-01-93		
Vanuatu		13-01-89	T	14-03-89		
Venezuela		10-05-02	T	09-07-02		
Verenigd Koninkrijk, het	09-04-65	24-02-66	R	05-03-67		
Verenigde Staten van Amerika, de	09-04-65	17-03-67	R	16-05-67		
Zambia		14-12-65	T	05-03-67		
Zuid-Korea	09-04-65	06-03-01	R	05-05-01		
Zweden	09-04-65	28-07-67	R	26-09-67		
Zwitserland	01-09-65	23-04-68	R	23-06-68		

1) DO=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

Verklaringen, voorbehouden en bezwaren

Duitsland, 1 oktober 2000

Duitsland heeft een voorbehoud gemaakt op de wijziging van 9 september 1999, FAL.6(27).

Finland, 29 januari 2003

De Republiek van Finland heeft het volgende voorbehoud gemaakt bij de wijziging van 10 januari 2002, FAL.7(29):

The Embassy hereby informs that the Government of Finland is not able to accept the aforementioned amendments due to the fact that the amendments to some extent contradict the national legislation in force.

The Embassy has, however, the honour to inform the Secretary-General that the Government of Finland intends to carry out the legislative amendments necessary to bring the legislation into accord with the amendments. The Government of Finland shall not fail to inform the Secretary-General of any development in this respect, in accordance with article VIII of the Convention.“.

Italië, 1 oktober 2000

Italië heeft het volgende voorbehoud gemaakt bij de wijziging van 9 september 1999, FAL.6(27):

... In accordance with article VII(2)(b) of the Convention, Italy hereby notifies that she does not accept the amendments to:

- standards norms 1.4, 1.5, 1.6 and 1.8;
- recommended practice 1.7 – section 1 – “Definition and general provisions“, letter c “Electronic data-processing techniques”; and
- recommended practices 4.7 and 4.8 of section 4 “Arrival and departures of cargo and other articles“– letter B “Clearance of export cargo...”.

Italië, 30 januari 2003

De republiek van Italië heeft het volgende voorbehoud gemaakt bij de wijziging van 10 januari 2002, FAL.7(29):

In accordance with article VII paragraph (2) of the International Convention on the Facilitation of International Maritime Traffic (FAL), and with reference to the amendments to the Annex to the said Convention adopted with Resolution FAL.7(29) of 10 January 2002, hereby are detailed the differences between the Italian legislation and the following amendments:

I D. Deviation from the planned route: it is not acceptable since the last line of 4.8 standards os contrary to the Italian legislation related to immigration (Italian Decree No. 286 of 25 July 1998).

II E. Disembarkation and return of a stowaways; the following amendments are not acceptable since they are contrary to the Italian Decree mentioned in the paragraph above.

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

“4.9.1 Standard;
 “4.9.2 Standard;
 “4.9.3 Standard.
 Sub 4.10 Subsequent ports of call
 “4.10.1 Standard.
 Sub 4.11 State of Nationality or Right of Residence:
 “4.11.1 Standard;
 “4.11.2 Standard.
 Sub 4.14 Return of Stowaways:
 Sub 4.14.1 Recommended Practice
 Sub 4.14.2 Recommended Practice
 Sub 4.15 Cost of return and maintenance of stowaways:
 “4.15.2 Recommended Practice.
 “4.15.3 Standard.

Spanje, 31 januari 2003

Het Koninkrijk van Spanje heeft het volgende voorbehoud gemaakt bij de wijziging van 10 januari 2002, FAL.7(29):

... in accordance with the provisions of article VII, paragraph 2(b) of the Convention on the Facilitation of International Maritime Traffic, 1965, as amended, Spain does not accept the following Standards and Recommended Practices of the new Chapter 4 of the Annex to the above-mentioned Convention, which were approved by Resolution FAL.7(29) of 10 January 2002, and which will enter into force on 1 May 2003:

Questioning and notification by the ship's master
 Paragraph 4.6.1
 Paragraph 4.6.3
 Deviation from the planned route
 Paragraph 4.8
 State of the first port of call according to the voyage plan
 Paragraph 4.9.2
 Paragraph 4.9.3
 Return of stowaways
 Paragraph 4.14
 Paragraph 4.12.2
 Cost of return and maintenance of stowaways
 Paragraph 4.15.

G. INWERKINGTREDING

Zie *Trb.* 1967, 174 en *Trb.* 1986, 115.

Resolutie FAL.5(24) van 11 januari 1996

Ingevolge artikel VII, tweede lid, onderdeel b, van het Verdrag zijn de wijzigingen op 1 mei 1997 in werking getreden, aangezien minder dan één derde van de Verdragsluitende Regeringen de Secretaris-Generaal voor 1 februari 1997 schriftelijk heeft medegedeeld de wijzigingen niet te aanvaarden.

Wat het Koninkrijk der Nederlanden betreft, gelden de wijzigingen voor het gehele Koninkrijk.

Resolutie FAL.6(27) van 9 september 1999

Ingevolge artikel VII, tweede lid, onderdeel b, van het Verdrag zijn de wijzigingen op 1 januari 2001 in werking getreden, aangezien minder dan één derde van de Verdragsluitende Regeringen de Secretaris-Generaal voor 1 oktober 2000 schriftelijk heeft medegedeeld de wijzigingen niet te aanvaarden.

Wat het Koninkrijk der Nederlanden betreft, gelden de wijzigingen voor het gehele Koninkrijk.

Resolutie FAL.7(29) van 10 januari 2002

Ingevolge artikel VII, tweede lid, onderdeel b, van het Verdrag zijn de wijzigingen op 1 mei 2003 in werking getreden, aangezien minder dan één derde van de Verdragsluitende Regeringen de Secretaris-Generaal voor 1 februari 2003 schriftelijk heeft medegedeeld de wijzigingen niet te aanvaarden.

Wat het Koninkrijk der Nederlanden betreft, gelden de wijzigingen voor het gehele Koninkrijk.

J. VERWIJZINGEN

Zie voor verwijzingen en andere verdragsgegevens *Trb.* 1966, 162, *Trb.* 1967, 174, *Trb.* 1971, 113, *Trb.* 1974, 68, *Trb.* 1978, 36, *Trb.* 1983, 122, *Trb.* 1986, 115, *Trb.* 1989, 71, *Trb.* 1992, 136, *Trb.* 1993, 135, *Trb.* 1994, 209 en *Trb.* 1996, 198.

Overige verwijzingen

- Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945
- Tekst : *Trb.* 1979, 37 (Engels en Frans)
Trb. 1987, 113 (vertaling)
- Laatste *Trb.* : *Trb.* 2004, 240
- Titel : Statuut van het Internationaal Gerechtshof;
San Francisco, 26 juni 1945
- Tekst : *Trb.* 1971, 55 (Engels en Frans)
Trb. 1987, 114 (vertaling)
- Laatste *Trb.* : *Trb.* 1997, 106
- Titel : Verdrag inzake de Internationale Maritieme Organi-
satie;
Genève, 6 maart 1948
- Tekst : *Stb.* 1949, 93 (Engels en Frans)
Trb. 1953, 104 (vertaling)
- Laatste *Trb.* : *Trb.* 2002, 76
- Titel : Statuut van de Internationale Organisatie voor
Atoomenergie;
New York, 26 oktober 1956
- Tekst : *Trb.* 1957, 50 (Engels, Frans en vertaling)
- Laatste *Trb.* : *Trb.* 2001, 135

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat de wijzigingen zullen zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *elfde* augustus 2005.

De Minister van Buitenlandse Zaken,

B. R. BOT