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FAL.3/Circ.210  
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**GUIDELINES ON THE ORGANIZATION AND METHOD OF WORK  
OF THE FACILITATION COMMITTEE**

- 1 The Facilitation Committee, at its thirty-ninth session (22 to 26 September 2014), reviewed and revised the guidelines for the organization and method of its work, as requested by resolution A.1062(28), *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization*.
- 2 The Committee approved the revised guidelines as set out in the annex.
- 3 Member Governments are invited to apply the annexed revised guidelines, as appropriate, and to bring them to the attention of their representatives at relevant IMO meetings, advising them to strictly observe the guidelines.
- 4 This circular revokes circular FAL.3/Circ.209.

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ANNEX

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OF THE FACILITATION COMMITTEE

TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b>	<b>3</b>
	Purpose and application	3
	Objectives	3
<b>2</b>	<b>DEFINITIONS</b>	<b>4</b>
<b>3</b>	<b>COORDINATION OF WORK</b>	<b>4</b>
<b>4</b>	<b>WORK PLANNING AND DELIVERY PROCESS</b>	<b>5</b>
	Planned outputs	5
	Unplanned outputs	6
	<i>General</i>	6
	<i>Submission of proposals for unplanned outputs</i>	6
	<i>Preliminary assessment by the Committee's Chairman of proposals for unplanned outputs</i>	7
	<i>Assessment of proposals for unplanned outputs</i>	7
	<i>Acceptance and inclusion of unplanned outputs in the biennial or post-biennial agendas of the Committee</i>	8
	Additional considerations	9
	Management, control and reporting	10
	Responsibilities	11
<b>5</b>	<b>WORKING ARRANGEMENTS</b>	<b>11</b>
	Guidance on the selection of outputs for the provisional agenda	11
	Working, drafting, correspondence and other groups	11
	<i>Working groups</i>	11
	<i>Drafting groups</i>	12
	<i>Other groups</i>	12
	<i>Correspondence groups</i>	12
	<i>Terms of reference of working, drafting and correspondence groups</i>	14
	<i>Intersessional working groups</i>	14

<b>6</b>	<b>PROCEDURES FOR PREPARATION AND SUBMISSION OF DOCUMENTS</b>	<b>14</b>
	Preparation of documents	14
	Submission of documents	16
<b>7</b>	<b>OBSERVANCE OF THE GUIDELINES</b>	<b>18</b>
	<b>ANNEX 1: INFORMATION TO BE CONTAINED IN PROPOSALS FOR UNPLANNED OUTPUTS</b>	<b>19</b>
	<b>ANNEX 2: PROCEDURES FOR ASSESSING THE IMPLICATIONS OF CAPACITY-BUILDING REQUIREMENTS WHEN DEVELOPING NEW, OR AMENDING EXISTING, MANDATORY INSTRUMENTS</b>	<b>21</b>
	Appendix 1: Identification of capacity-building implications flow chart	24
	Appendix 2: Checklist for the identification of capacity-building implications	25
	Appendix 3: Checklist of issues requiring special focus when developing capacity-building related to the implementation of new measures	26
	<b>ANNEX 3:</b>	
	Format 1: Biennial status report	27
	Format 2: Post-biennial agenda of the Committee	28
	<b>ANNEX 4: CURRENT ARRANGEMENTS IN THE SECRETARIAT FOR THE PRODUCTION OF WORKING PAPERS DURING MEETINGS</b>	<b>29</b>
	<b>ANNEX 5: CHECKLIST FOR IDENTIFYING ADMINISTRATIVE REQUIREMENTS AND BURDENS</b>	<b>30</b>

## 1 INTRODUCTION

### Purpose and application

1.1 The purpose of these guidelines is to provide a uniform basis for the Facilitation Committee to conduct its work in an efficient and effective manner and to strengthen the linkage between the Organization's strategy, the work of the Committees and the biennial budget with a view to achieving IMO objectives and the priorities over a biennium. This in turn will enable the Facilitation Committee to respond successfully to the need for enhanced facilitation of international maritime traffic, thus providing an efficient mechanism towards achieving the desired goals of the Organization.

1.2 Proper application of the guidelines will also enhance the ability of Committee members to cover the full spectrum of IMO activities relevant to its work and thus provide for their effective participation in the rule-making process of the Organization. It is also expected that the guidelines will enable the Committee to further improve its decision-making functions.

1.3 The guidelines are applicable to the work of the Committee as well as its working groups, drafting groups and correspondence groups. The chairmen of the Committee and its working groups, drafting groups and correspondence groups should make all efforts to ensure strict compliance with the guidelines.

1.4 The guidelines will be kept under review and will be updated as necessary in the light of experience gained in their application taking into account the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1062(28)), as may be amended.

### Objectives

1.5 The provisions of these guidelines are aimed at achieving the following objectives:

- .1 to align and strengthen the planning and reporting processes by linking agenda-setting and reporting more clearly to the Strategic Plan and High-level Action Plan;
- .2 to strengthen the linkage between planned outputs and the resources required to deliver the outputs;
- .3 to facilitate the efforts of the Committee in controlling and monitoring the Organization's work;
- .4 to promote greater understanding and assimilation of the interconnections between the Strategic Plan and High-level Action Plan and planned outputs;
- .5 to promote discipline in adherence to the planning procedures and guidelines;
- .6 to promote objectivity, clarity and realistic time frames in the establishment of biennial agendas by the Committee and its subsidiary bodies;

- .7 to ensure maximum possible participation by all Member States and organizations with observer status in the work of the Committee and its subsidiary bodies; and
- .8 to establish responsibilities and promote involvement in the planning and reporting processes of the Organization.

## 2 DEFINITIONS

For the purposes of these guidelines, the following definitions will apply:

- .1 *Strategic Plan* is the Strategic Plan for the Organization for a six-year period as adopted by the Assembly, which includes key strategic directions to enable IMO to achieve its mission objectives.
- .2 *High-level Action Plan* is the High-level Action Plan of the Organization and the biennium's priorities, as adopted by the Assembly, which enables the Organization to effectively address strategic directives, identifies high-level actions necessary to achieve the IMO objectives and priorities over a biennium and provides the linkage between the Organization's strategy, the work of the various IMO organs and the biennial budget.
- .3 *Planned output* is a product planned in the High-level Action Plan to be delivered by the Organization during a biennium.
- .4 *Unplanned output* is a product that may be agreed by the Committee to be delivered during a biennium after the adoption of that biennium's High-level Action Plan.
- .5 *Provisional agenda* is a list of planned outputs for discussion at a particular session.
- .6 *Biennial agenda* is a list of planned outputs to be delivered during a biennium by a Committee or subsidiary body.
- .7 *Post-biennial agenda* is a list of accepted outputs<sup>1</sup> to be delivered or initiated beyond a current biennium.

## 3 COORDINATION OF WORK

3.1 The Committee should function as a policy-making body and its working, drafting or other groups as purely technical bodies.

3.2 The Committee should routinely examine its planned, unplanned and accepted outputs, establish priorities, review the allocation of its meeting weeks and approve its biennial and provisional agendas, taking into account any recommendations made by the Committee's Chairman as provided in paragraph 3.4.

3.3 The Committee Chairman should, at the end of the first year of the biennium, submit to the Committee a plan covering the activities, priorities and meetings of the Committee for the coming biennium, for consideration in the subsequent year.

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<sup>1</sup> A product that may be agreed by the Committee for delivery during a subsequent biennium is referred to as an "accepted output".

3.4 The Committee should regularly review the status of the FAL Convention and other instruments under its purview.

3.5 When an issue is transferred to it by another committee of the Organization for specific action, the Committee, before including the subject in question in the biennial agenda, should decide that the provisions of section 4, as appropriate, are fully satisfied, even if the issue, in accordance with the criteria of the referring committee, satisfies the requirements of the current Strategic Plan for the Organization.

#### **4 WORK PLANNING AND DELIVERY PROCESS**

##### **Planned outputs**

4.1 The Committee should identify, in a timely manner, the products to be included as planned outputs in the High-level Action Plan for the coming biennium, and the Secretariat should develop its business plan, as such identification provides a basis for making an estimate of the budget required for that biennium.

4.2 In the process of formulating a proposal for planned outputs for inclusion in the High-level Action Plan, due account should be taken, inter alia, of:

- .1 planned outputs the delivery of which has been postponed from a prior biennium;
- .2 final outputs that may need to be produced following the delivery of related interim outputs in a prior biennium;
- .3 any specific requirement to review the effectiveness of planned outputs delivered in a prior biennium;
- .4 accepted outputs on the post-biennial agendas; and
- .5 new planned outputs.

Proposals for new planned outputs should comply with the provisions of paragraph 4.7.

4.3 Decisions on the inclusion of planned outputs in the High-level Action Plan for the coming biennium should be guided by the strategic directions and high-level actions established in the Strategic Plan and the High-level Action Plan, and should take due account of:

- .1 the anticipated workload of the Committee in delivering the output;
- .2 the demonstrated urgency to deliver the output;
- .3 the personnel and budgetary resources available; and
- .4 the potential adverse impact that a decision on whether or not to include an output may have on the ability of the Organization to meet its objectives.

4.4 Such planned outputs may be revised during the biennium by the Committee, taking into account the provisions of paragraph 4.3, if subsequently endorsed by the Council.

4.5 An overview of the Organization's strategic planning process and its steering and reporting flows are shown in diagrams 1 and 2 contained in annex 1 to the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1062(28)).

## **Unplanned outputs**

### ***General***

4.6 During the course of a biennium, the Committee may receive proposals for unplanned outputs within its domain. The Committee, in determining inclusion of unplanned outputs, should at all times be guided by the strategic directions and high-level actions established in the Strategic Plan and the High-level Action Plan, as shown in diagram 3 contained in annex 1 to the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization* (resolution A.1062(28)), and should, in particular, take due account of:

- .1 the potential impact that inclusion of an unplanned output may have on the timely delivery of outputs planned in the current High-level Action Plan;
- .2 the potential impact that inclusion of an unplanned output may have on the workload of the Committee;
- .3 the personnel and budgetary resources available; and
- .4 the potential adverse impact that a decision on whether or not to accept a proposal for inclusion of an unplanned output may have on the ability of the Organization to meet its objectives.<sup>2</sup>

### ***Submission of proposals for unplanned outputs***

4.7 To enable the Committee to carry out a proper assessment of proposals for inclusion of unplanned outputs, submissions containing such proposals should, at a minimum, contain the information, including demonstration and documentation, set out in annex 1 (see also annex 5).

4.8 Member Governments should refrain from submitting to the Committee proposals for unplanned outputs under specific agenda items. The Secretariat should not accept such submissions and should advise the submitting Administrations accordingly.

4.9 Proposals for the inclusion of unplanned outputs submitted to the Committee by non-governmental organizations should be co-sponsored by Governments. Notwithstanding the above, such organizations should not be restrained from submitting comments and recommendations on outputs for the provisional agenda of the Committee, thus providing expert advice, contributing to discussion and enabling optimal decisions to be reached.

4.10 Follow-up action in response to specific requests for action emanating from the Assembly and diplomatic conferences convened by IMO, or from United Nations conferences and bodies, regional intergovernmental conferences and other international

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<sup>2</sup> Refer to the current IMO Risk Management Framework.

and intergovernmental organizations, etc. should be evaluated in the light of paragraph 4.3 of these guidelines, unless they are specifically identified as, and demonstrated to be, urgent matters.

***Preliminary assessment by the Committee's Chairman of proposals for unplanned outputs***

4.11 In order to facilitate consideration of proposals for inclusion of unplanned outputs by the Committee, the Chairman should undertake a preliminary assessment<sup>3</sup> of such proposals. The Chairman should, for that purpose, be supported by the Vice-Chairman and the Secretariat.

4.12 The outcome of the preliminary assessment should be submitted to the Committee for consideration and approval, and should include the Chairman's appraisal of:

- .1 whether the proposal complies with the requirements for the submission of proposals for unplanned outputs, as specified in paragraph 4.7;
- .2 whether the proposal complies with the criteria specified in paragraph 4.13;
- .3 whether the demonstrated urgency of the proposal requires its inclusion in the biennial agenda; and, if so,
- .4 to what extent the general criteria specified in paragraph 4.6 should be taken into account.

***Assessment of proposals for unplanned outputs***

4.13 Before deciding to include an unplanned output in its biennial agenda, the Committee should carry out a comprehensive and thorough assessment of such proposals. The assessment should at least include a test against the following criteria:

- .1 Is the subject addressed by the proposal considered to be within the scope of IMO objectives and the Strategic Plan for the Organization?
- .2 Does the proposal contribute to the high-level actions established in the High-level Action Plan?
- .3 Does the proposal involve the exercise of functions conferred upon the Committee by or under any international convention or related instrument?
- .4 Has a need – or, in the case of proposals calling for new conventions or amendments to existing conventions, a *compelling* need – for the measure been demonstrated and documented?
- .5 Has an analysis been provided that demonstrates and documents the practicality, feasibility and proportionality of the proposed measure?

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<sup>3</sup> This preliminary assessment will also include the assessment of proposed planned outputs and new outputs for inclusion in the Committee's post-biennial agenda.

- .6 Has the analysis of the issue sufficiently addressed the cost to the maritime industry as well as the relevant legislative and administrative burdens?<sup>4</sup>
- .7 Do the benefits in terms of enhanced facilitation that are expected to be derived from the inclusion of the proposed unplanned output justify such action?
- .8 Do adequate industry standards exist or are they being developed, thereby reducing the need for action within IMO?
- .9 Has the intended output been properly specified in SMART terms (specific, measurable, achievable, realistic, time-bound)?
- .10 Does the proposal properly demonstrate the urgency of the action proposed, and does it plausibly demonstrate why the unplanned output should be included in the biennial agenda?
- .11 Would a decision not to accept the proposal pose an unreasonable risk to the Organization's overall objectives?

Nothing in these guidelines should prohibit the Committee from taking immediate action on urgent matters if the risk of not acting will adversely affect the Organization's ability to meet its objectives.<sup>5</sup>

***Acceptance and inclusion of unplanned outputs in the biennial or post-biennial agendas of the Committee***

4.14 Based on its assessment in accordance with paragraph 4.13, having taken due account of the Chairman's appraisal of the proposal in accordance with paragraphs 4.11 and 4.12, the Committee may decide:

- .1 to include the proposed unplanned output, together with a target date for completion, in its biennial agenda, if and after it has been satisfied that the implications for the present workload and planning may be considered acceptable; or
- .2 to include the proposed unplanned output, together with the timescale for completion, in its post-biennial agenda, if the implications for the present workload and planning are considered to be unacceptable; or
- .3 on concluding that the proposal is *not* within the scope of the current Strategic Plan and should, therefore, not be accepted for inclusion, to invite the proponent(s) to submit the proposal to the Council together with a substantiated proposal for adjustment of the Strategic Plan.

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<sup>4</sup> Refer to the checklist in annex 5, which should be completed by all proponents of unplanned outputs and attached to their proposals for consideration by the Committee. The Committee may also use the checklist in annex 5 before adopting new, or amending existing, mandatory instruments, in order to satisfy itself that administrative requirements have been minimized to the greatest extent possible.

<sup>5</sup> Refer to the current IMO Risk Management Framework.

4.15 Upon a decision by the Committee to include a proposed unplanned output in its post-biennial agenda, the Committee should include the accepted output and the timescale for completion in its proposals for the High-level Action Plan of the next biennium.

4.16 In order to maintain a balance between effective control and the need for flexibility in addressing emerging trends, developments and challenges within the Organization's mandate, any decision to include unplanned outputs in the current High-level Action Plan should be endorsed by the Council (see also paragraph 4.17).

4.17 The Committee should report on its decisions on proposals for inclusion of unplanned outputs in its regular reports to the Council, for its endorsement and in order to facilitate Council monitoring of delivery of current biennial agendas and the planning of future work.

4.18 In pursuance of resolution A.998(25), on *Need for capacity-building for the development and implementation of new, and amendments to existing, instruments*, the Committee should assess the implications for capacity-building and technical cooperation and assistance, initiated on acceptance of a proposal for the unplanned output concerning new, or amendments to existing, mandatory instruments, against the criteria for identification of capacity-building implications set out in annex 2.

#### ***Additional considerations***

4.19 The High-level Action Plan may specify certain IMO activities that are dictated by the need to take action on specific areas of facilitation, irrespective of any order of priority.

4.20 Submissions to the Committee highlighting problems or shortcomings identified in a particular area(s) of facilitation or ship/port interface should, in general and where possible, also suggest appropriate solutions.

4.21 Recognizing the human factor as an integral part of any effort to enhance the facilitation of international maritime traffic, the Committee and its working groups should consider the human factor whenever new requirements are developed and existing requirements are reviewed, by taking into account human element principles.

4.22 Planned or unplanned outputs for which extensive work is required, such as the preparation of codes, should, when appropriate, be placed on the provisional agendas of alternate sessions of the Committee to allow adequate time for preparatory work by delegations.

4.23 In respect of subjects requiring research, contributions from other organizations and appropriate entities should be encouraged and taken into account. Exchange of information on technological developments should be encouraged.

4.24 In the context of resolution A.911(22) on *Uniform wording for referencing IMO instruments*, the Committee and its working groups should be guided in their work, as appropriate, by the guidelines annexed thereto.

4.25 Substantial modifications of draft amendments to mandatory instruments being considered by the Committee with a view to adoption should be accepted for discussion only if they have been submitted in writing. However, in exceptional circumstances where the draft amendments under consideration include significant

discrepancies or omissions, or where serious difficulties in their application can be foreseen, the Committee may accept to discuss oral proposals aimed at resolving any problems identified.

### **Management, control and reporting**

4.26 In implementing the High-level Action Plan, proper management and control mechanisms should ensure that:

- .1 biennial agendas and agendas are both clearly linked to the Strategic Plan and the High-level Action Plan;
- .2 the competing demands of the Strategic Plan and the High-level Action Plan can be prioritized within the resource constraints of the Organization and its membership;
- .3 the Organization's response to changes in the environment within which it operates is consistent with the Strategic Plan and the High-level Action Plan; and
- .4 monitoring and reporting are such that progress on biennial agendas is explicitly linked to progress on the production of planned outputs.

4.27 In order to provide a transparent link between the Strategic Plan and the Organization's work, the following principles should be applied:

- .1 The planned outputs included in the High-level Action Plan should explicitly form the basis of the biennial work of the Committee, taking into account the budget of the Organization.
- .2 The planned outputs contained in the agenda and biennial agenda of the Committee should all be included in the High-level Action Plan.
- .3 The biennial agenda of the Committee should follow format 1 set out in annex 3.
- .4 For outputs with a target completion date beyond the current biennium, the High-level Action Plan should specify the planned interim output at the end of the biennium.
- .5 Target completion dates in the biennial agenda format in annex 3 (format 1) should specify the year of planned completion within the current biennium, or be specified as "annual" for tasks that are to be completed on annual basis.
- .6 Continuous outputs are discouraged but, in those cases where they are deemed inevitable, efforts should be made to specify their expected interim outputs at the end of the current biennium.
- .7 Documents submitted to the Committee should clearly demonstrate the direct relation between the proposals that they contain and the planned output to be accomplished under the relevant agenda item, on the basis of the High-level Action Plan.

4.28 Reports on the status of planned outputs included in the High-level Action Plan should follow the format set out in annex 3, format 1, and should constitute or be annexed to the reports of each session of the Committee and the biennial report of the Council to the Assembly. Such reports should separately identify unplanned outputs accepted for inclusion in the biennial agendas.

4.29 In preparing its own report, the Committee should incorporate all reports on the status of planned outputs which it has received since its previous report.

4.30 The Committee should establish and maintain a post-biennial agenda which should follow format 2 set out in annex 3. This should be annexed to the report of each session.

### **Responsibilities**

4.31 The Committee and Secretariat should ensure consistency and discipline in the administrative management of the planning and reporting cycle.

4.32 The Chairman, Vice-Chairman and Secretary of the Committee have a specific responsibility for effective management of the planning and reporting cycle and for consistent and rigorous application of these guidelines and the *Guidelines on the application of the Strategic Plan and the High-level Action Plan of the Organization*.

4.33 In order to fulfil the function in paragraph 4.32, well-established cooperation and coordination is expected between the Chairman, Vice-Chairman and Secretary of the Committee by all available means, including face-to-face meetings and teleconferences as deemed necessary.

## **5 WORKING ARRANGEMENTS**

### **Guidance on the selection of outputs for the provisional agenda**

5.1 Planned and unplanned outputs should be selected first from the biennial agenda and, where the subsequent session will occur in the coming biennium, from the accepted outputs included in the Committee's post-biennial agenda.

### **Working, drafting, correspondence and other groups**

#### ***Working groups***

5.2 The Committee should keep the number of working groups formed during its sessions to a minimum; however, a maximum of three working groups may be established, where necessary, bearing in mind the difficulties that small delegations experience in being represented in such groups and the fact that such groups work without interpretation. When a working group has completed its task and has been terminated, no other working group should be convened in its place during the same session.

5.3 Where more than three working groups are needed to deal with different subjects in one session, the Committee should establish an order of priority for possible subject items and decide accordingly. Where more than three unrelated topics need to be covered by independent working groups over several sessions, arrangements may be made for groups concerned to meet at alternate sessions of the Committee within the maximum of three working groups per session.

5.4 Working groups may start work on the first morning of the session under draft terms of reference presented by the Chairman of the Committee, pending formal discussion of those terms of reference under the relevant agenda item. However, these measures should be an option and be decided at the meeting with caution. Whenever possible, terms of reference for working groups should be agreed at the previous sessions of the Committee. Another option is for the draft terms of reference of working and drafting groups issued at the beginning of the session, in accordance with paragraph 5.18 of these guidelines, to identify items on which the groups may start working on the first morning of the session, without prior consideration of the related agenda items in plenary.

5.5 In principle, a working group should not have splinter groups. However, where it is necessary to establish one or more splinter groups to facilitate its efficiency, the working group should do so by unanimous agreement, and should consider and agree on the outcome of the splinter group's work before incorporating it in its report. Splinter groups, if established, should meet outside normal working hours, unless the working group decides otherwise in view of the efficiency of the work.

5.6 When appropriate, working groups should make full use of the five working days of a session in submitting their reports for the next session of the Committee. When working group reports are to be prepared during a session, all efforts should be made to keep them as short as possible.

5.7 Permanent working groups should be avoided but, if there is ever a need for such a group, clear justification and appropriate terms of reference should be agreed.

#### ***Drafting groups***

5.8 In addition to working groups, the Committee may form drafting groups. In no case should more than five groups (e.g. three working and two drafting groups) meet simultaneously during a session. If additional drafting groups are needed, they should meet outside normal working hours.

#### ***Other groups***

5.9 In addition to working and drafting groups, the Committee may form other groups, such as technical or review groups, as required under the relevant conventions. Depending on the necessity and urgency of the issue to be considered, such groups may meet in addition to or in lieu of working or drafting groups.

#### ***Correspondence groups***

5.10 To facilitate the consideration of an issue, a correspondence group may be established by the Committee and instructed to work on a consolidated draft text prepared by a "lead country" or the Secretariat, provided that the Committee has agreed to consider the issue and has endorsed terms of reference for the group (see also paragraph 5.18). Thus, through consultation between interested delegations by correspondence, the volume of documents submitted and processed can be reduced.

5.11 Correspondence groups should utilize modern communications technology, such as the Internet, as much as possible.

5.12 The work of a correspondence group (e.g. the receipt and processing of comments and suggestions) should not pre-empt formal consideration of the relevant issue by the Committee or the positions taken by Member Governments or international organizations participating in the correspondence group.

5.13 In normal circumstances, the Committee should not establish more than three correspondence groups, although this number may be increased where the urgency of the matter under consideration so justifies. Subgroups within a correspondence group should not be established. No official meetings of members of correspondence groups should be held without the prior approval of the Committee.

5.14 Participation in correspondence groups is open to all delegations (Governments and organizations) that can provide the necessary expertise on a timely basis or that have a particular interest in the issue under consideration. Any Member Government or international organization can join in the work of the correspondence group once the group is established and the group should accept contributions at any stage of its work.

5.15 When establishing a correspondence group, a "lead country", "lead organization" or, if necessary, the Secretariat should be designated to coordinate the group's work. Responsibilities of the coordinator should include:

- .1 preparation, maintenance and circulation of the list of participants;
- .2 establishment of deadlines for the preparation of draft texts and receipt of comments and proposals concerning them;
- .3 preparation and circulation of draft texts and comments concerning them;
- .4 preparation and submission to the Secretariat of the report of the correspondence group including any consolidated draft texts (see paragraph 5.17); and
- .5 introduction of the above-mentioned report and consolidated draft texts to the Committee.

5.16 Responsibilities of participants should include:

- .1 active participation in the work of the group;
- .2 compliance with the deadlines established for the submission of comments on draft texts, proposals, etc.; and
- .3 relaying to other group members copies of comments, proposals, etc. submitted to the group coordinator.

5.17 The responsibilities of the Secretariat, in cases where the Secretariat acts as the coordinator, should be the same as those described in paragraph 5.13 above. The Secretariat may also be requested to circulate consolidated draft texts, etc. on behalf of the coordinator.

5.18 The results of work carried out by correspondence groups should normally take the form of a consolidated draft text reflecting the information received from members of the group. Such texts should be accompanied by a succinct report summarizing the work and indicating which members have provided input to the process. Where it has not been possible to prepare an agreed consolidated draft document, the texts or issues on which there was disagreement should be clearly indicated in the draft document or the report, as appropriate.

5.19 Correspondence groups' reports should be submitted to the first session of the Committee after the conclusion of the groups' work, in time to meet the deadline established for consideration of substantive documents, in accordance with the provisions of paragraph 6.10. Normally the work of the correspondence groups should not overlap with sessions of the Committee. If the group has not finalized its work in time to meet such a deadline, a progress report should be made to the Committee.

***Terms of reference of working, drafting and correspondence groups***

5.20 When working, drafting and correspondence groups are to be formed, draft terms of reference should be prepared, following consultations between the Chairman of the Committee and the Secretariat, for approval by plenary. In the case of working and drafting groups, these draft terms of reference should be issued by the Secretariat at the beginning of the session for agreement by plenary before the groups in question start their work. Thereafter, the agreed terms of reference should not be modified or extended without the Committee's prior consent.

***Intersessional working groups***

5.21 Subject to approval by the Council, intersessional meetings of working groups may be convened without interpretation services. Intersessional meetings should be held only if considered to be absolutely essential and after careful consideration of their necessity by the Committee on a case-by-case basis, taking into account the priority and urgency of the specific matter that such meetings will be invited to address. Intersessional meetings of such groups should be held at IMO Headquarters immediately before or after an agreed session of the Committee. Other arrangements may be considered; however, no arrangements should be made in respect of an intersessional meeting until such a meeting has been approved by the Committee. Intersessional working groups and technical groups should not be held at the same time as Committee sessions.

**6 PROCEDURES FOR PREPARATION AND SUBMISSION OF DOCUMENTS**

**Preparation of documents**

6.1 Documents should be prepared in single spacing and be as concise as possible so as to facilitate their timely processing. In order to enhance the clear understanding of documents, the following should be observed:

- .1 All documents should be preceded by a brief summary prepared in the form, and containing the information, indicated in the table below. Documents – especially proposals for the inclusion of an unplanned output – should demonstrate, where feasible, the linkages to the Strategic and High-level Action Plans by including in the summary references to the related strategic direction(s), high-level action(s) and planned output(s):

## SUMMARY

<i>Executive summary:</i>	This description should be brief, outlining the proposed objective (an amendment, an Assembly resolution, a circular, information only, etc.), and include information on whether a proposal will have any financial implications for the shipping industry or for the IMO budget.
<i>Strategic direction:</i>	A reference should be made to one or more relevant strategic directions in the Organization's Strategic Plan.
<i>High-level action:</i>	A reference should be made to one or more corresponding high-level actions in the Organization's High-level Action Plan.
<i>Planned output:</i>	A reference should be made to one or more corresponding planned outputs in the biennial High-level Action Plan. If there is no corresponding planned output, an appropriate descriptive text should be included.
<i>Action to be taken:</i>	A reference should be made to the paragraph of the document that states the action to be taken by the Committee.
<i>Related documents:</i>	Other key documents should be listed to the extent that they are known to the originator of the document.

- .2 Substantive documents should conclude with a summary of the action that the Committee is invited to take; and
- .3 Information documents should conclude with a summary of the information that they contain.

6.2 To facilitate their processing, documents should be submitted on a USB flash drive or via email to [info@imo.org](mailto:info@imo.org), preferably in Microsoft Word using Arial font size 11. Hard copies of documents may also be submitted or requested, to facilitate processing of the document, e.g. by attachment of annexes to main texts and to check that none of the text has been garbled during sending or conversion.

6.3 Documents made available at IMO 13 weeks or more before a session should not be introduced in the plenary unless the Chairman decides that this is essential for the proper consideration of the matter concerned. Information documents and documents requiring no action by the Committee, other than for their contents to be noted, should not be introduced in the plenary.

6.4 Proposed amendments to the FAL Convention which have been approved for adoption by the Committee will no longer be printed on pink paper, but it will be appropriate identified in the IMODOCS system.

6.5 Documents containing proposed amendments to mandatory instruments should be presented in a format that permits clear identification of the changes being introduced (e.g. use of underlined and strike-through text).

6.6 Reports of the Committee should, in general, contain under each section only:

- .1 a summary of key documents and a list of other documents submitted by Governments, international organizations and the Secretariat;

- .2 a summary of the views expressed during consideration of an item that may have influenced the decision taken by the reporting body (but not allowing the reports to turn into summary records), with statements by delegations included only at their express request during the session; and
- .3 a record of the decisions taken.

6.7 In drafting recommendations, codes or guidelines, cross references should, whenever possible, be made to texts and terminology previously developed by IMO or other organizations. This will avoid unnecessary duplication and reduce the need for excessively detailed provisions and for subsequent harmonization.

6.8 With respect to urgent matters emanating from sessions of IMO bodies other than the Council and the Assembly which have taken place less than 13 weeks before a session of the Committee, the Committee should consider only such urgent matters as may be agreed by the Chairman for submission to the Committee.

6.9 All concerned should be continuously aware of the financial and environmental impact of the volume of documentation generated by IMO meetings and should limit, to the greatest possible extent, the number of pages of documents submitted to such meetings. For information, the current arrangements for the production of working papers during meetings are described in annex 4.

6.10 To encourage the action referred to in paragraph 6.9 above, documents other than information documents and reports from the Committee, working, drafting, correspondence and other reporting groups and the Secretariat, and which contain more than 20 pages, should not be translated in their entirety. They should include, for translation purposes, a summary of the document not longer than four pages, with the remaining content submitted as an annex in the language (e.g. English) that may be needed, for example, by working groups.

### **Submission of documents**

6.11 To ensure that all documents are available at IMO Headquarters in all three working languages well in time for a session of the Committee, and thus to enable the timely study of documents and promote participation by all members in the decision-making process of the Committee, the following provisions should apply:

- .1 As a general rule, documents other than information documents and reports from the Committee and sub-committees, working, drafting, correspondence and other reporting groups and the Secretariat should not contain more than 50 pages. In the case of reports from working, drafting or correspondence groups and in other exceptional circumstances, this number of pages may be exceeded, provided that the deadline for receipt of the document by the Secretariat, as specified in subparagraphs .2 and .3 below, is extended by one week for every 20 pages exceeding 50 pages.
- .2 Documents containing proposals for inclusion of unplanned outputs should be received by the Secretariat not later than 13 weeks before the opening of the relevant Committee session. They should be made available at IMO Headquarters and on the IMO document website, in the Organization's three working languages, not later than five weeks before the opening of the session.

- .3 Documents (including information documents) containing more than six pages of text (bulky documents) should be received by the Secretariat not later than 13 weeks before the opening of the relevant session of the Committee. However, bulky information documents submitted in electronic format may be accepted by the Secretariat if they are received not later than nine weeks before the session concerned. They should be made available at IMO Headquarters and on the IMO document website in the Organization's three working languages, except for information documents (which should not be translated), not later than five weeks before the opening of the session.
- .4 Non-bulky documents commenting on those referred to in subparagraphs .2 and .3 above, or on items already on the agenda, should be received by the Secretariat not later than nine weeks before the opening of the relevant session of the Committee. They should be made available at IMO Headquarters and on the IMO document website in the Organization's three working languages, not later than five weeks before the opening of the session.
- .5 Notwithstanding the provisions of subparagraph .4 above, documents commenting on those referred to in subparagraphs .2, .3 and .4 above containing four pages or fewer should be processed if received by the Secretariat not later than seven weeks before the opening of the relevant session of the Committee. These documents should start with a paragraph clearly indicating the document on which comments are made and stating that the document is submitted in accordance with the provisions of paragraph 6.11.5 of these guidelines. They should be made available at IMO Headquarters and on the IMO document website in the Organization's three working languages, not later than four weeks before the opening of the session.
- .6 Non-bulky information documents should be received by the Secretariat not later than nine weeks before the opening of the relevant session of the Committee. They should not be translated and should be made available at IMO Headquarters and on the IMO document website not later than five weeks before the opening of the session. No action will be taken on the basis of an information document only, other than to take note of it.
- .7 in the case of basic documents submitted to the Committee reporting on urgent matters emanating from sessions of IMO bodies referred to in paragraph 6.8 which met less than 13 weeks before the Committee session, such basic documents should include as an annex the text (e.g. draft Assembly resolutions, draft MSC circulars, etc.) on which the Committee will be invited to take action.

6.12 The Secretariat should make every effort to ensure the timely posting of documents on the IMO document website. Member Governments and international organizations should also endeavour to submit documents as early as possible and not simply by the relevant deadlines.

6.13 The Secretariat should strictly apply the rules concerning the submission of documents and not accept late submissions from Governments or delegations. Any exemption from these provisions should have the prior authorization of the Chairman of

the Committee, following consultations with the Secretariat. In exceptional circumstances requiring immediate action by the Committee, a relevant document to that end consisting of no more than four pages should be received by the Secretariat not later than nine weeks before the opening of the session of the Committee and be made available at IMO Headquarters in the Organization's three working languages not later than five weeks before the opening of the session. The Committee will consider such a document, if it so decides, at the opening of its session.

## **7 OBSERVANCE OF THE GUIDELINES**

These guidelines should be observed strictly. Such observance will assist delegations in preparing adequately for each meeting and enhance their participation in the debate and decision-making process during meetings. It will also relieve delegations from experiencing difficulties when developing national positions on subjects on the agenda of the Committee. In order to promote efficiency in the conduct of work overall, Committee members should ensure that their colleagues attending sessions of other committees are fully informed of the outcome of the meeting that they have attended. Committee members should also ensure that their experts attending meetings of working groups, drafting groups or correspondence groups are adequately informed and instructed about any action necessary to give effect to decisions made by the Committee.

## ANNEX 1

### INFORMATION TO BE CONTAINED IN PROPOSALS FOR UNPLANNED OUTPUTS

To enable the Committees to carry out a proper assessment of proposals for inclusion of unplanned outputs, submissions containing such proposals should contain, at the minimum, the following information, including demonstration and documentation:

- .1 **IMO objectives:** Provide evidence as to whether and how the proposal:
  - .1 is within the scope of IMO objectives; and
  - .2 is strictly related to the scope of the Strategic Plan and contributes to the implementation of the high-level actions established in the Strategic Plan.
- .2 **(Compelling) need:** Demonstrate and document:
  - .1 the need for a proposed measure; and
  - .2 the compelling need addressed by a proposal for a new convention or an amendment to an existing convention.
- .3 **Analysis of the issue:** Provide an analysis of the proposed measure, including a plausible demonstration of its practicability, feasibility and proportionality.
- .4 **Analysis of implications:** Provide an analysis of the implications of the proposal, addressing the cost to the maritime industry as well as the relevant legislative and administrative burdens.<sup>6</sup>
- .5 **Benefits:** Provide evidence that the benefits in terms of enhancing facilitation expected to be derived from the inclusion of the new item justify the proposed action.
- .6 **Industry standards:** Provide information on whether adequate industry standards exist or are being developed.
- .7 **Output:** Specify the intended output in SMART terms (specific, measurable, achievable, realistic, time-bound). If a final output cannot be specified in the submission for a proposal for inclusion of an unplanned output, an interim output to be produced before the end of the current biennium should be specified in SMART terms.

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<sup>6</sup> See annex 5 – Checklist for identifying administrative requirements and burdens, which should be completed by all proponents of unplanned outputs and attached to their proposals for consideration by the Council and committees. The Committee may also use this checklist before adopting new, or amending existing, mandatory instruments, in order to satisfy themselves that administrative requirements have been minimized to the greatest extent possible.

- .8      **Priority/urgency:**      Provide, with reference to the current Strategic Plan and High-level Action Plan, evidence of:
- .1      the urgency of the proposed unplanned output;
  - .2      the date by which the proposed unplanned output should be completed; and
  - .3      the timescale needed for the Committee to complete the work.
- .9      **Action required:**      Specify the action required of the Committee.

## ANNEX 2

### PROCEDURES FOR ASSESSING THE IMPLICATIONS OF CAPACITY-BUILDING REQUIREMENTS WHEN DEVELOPING NEW, OR AMENDING EXISTING, MANDATORY INSTRUMENTS

#### 1 INTRODUCTION

1.1 Assembly resolution A.998(25) cautions that, unless the Council, the Committees and their subsidiary bodies adopt a *cradle to grave* approach in relation to matters concerning capacity-building, technical cooperation and assistance, the chances of success in the ratification and effective implementation of IMO instruments may be reduced by the level of unpreparedness or lack of capacity that Governments, particularly of Small Island Developing States (SIDS) and Least Developed Countries (LDCs), experience at the point when implementation of such instruments is urgently required. Therefore, the development of this procedure is in keeping with the provisions of that resolution.

1.2 The assessment of capacity-building implications for the implementation of new, and/or amendment to existing, instruments is an iterative process that begins with the acceptance of the preliminary proposal and runs in parallel up to the process of its implementation.

1.3 The procedure does not prevent States from taking additional actions in promoting the advancement of the objectives of capacity-building through technical assistance or cooperation.

#### 2 DEFINITIONS

For the purposes of this procedure, the following definitions apply:

2.1 *Planned output* is as defined in paragraph 2.1.3 of the guidelines.

2.2 *Unplanned output* is as defined in paragraph 2.1.4 of the guidelines.

2.3 *Capacity-building* means sustainable social, economic or legal measures undertaken through various means for the purposes of a comprehensive transformation of the performance of an Administration or industry player so as to implement and therefore comply with new or amended instruments.

2.4 *Technical assistance* is a methodology for providing capacity-building through bilateral and/or multilateral exchange of technical knowledge, resources or expertise to a party which has requested such assistance in order to enhance its technical capability to implement existing, new or amended instruments.

2.5 *Technical cooperation* refers to a methodology for providing capacity-building, through a multilateral effort, to a group of cooperating countries of a particular region in the form of training and exchange of expertise, knowledge and information, in support of their efforts aimed at promoting the implementation of existing, new and/or amended instruments.

2.6 *Instruments* refers to IMO conventions and other treaties.

### **3 PURPOSE AND OBJECTIVES**

3.1 The purpose of this procedure is to give effect to resolution A.998(25) aimed at enhancing efforts to promote universal implementation of IMO instruments.

3.2 This procedure is intended to assist the identification and assessment of capacity-building implications in the following cases:

- .1 when the Committee has accepted a proposal for an unplanned output and/or on approval by the Committee of a new instrument;
- .2 during implementation of new instruments or amended instruments; and
- .3 during the scheduling of capacity-building measures or activities.

3.3 This procedure applies to the FAL Committee and constitutes a specific implementation response to resolution A.998(25).

3.4 This procedure aims at:

- .1 promoting universal ratification and compliance with newly adopted IMO instruments;
- .2 improving the level and quality of implementation of new and/or amended instruments; and
- .3 promoting as far as possible a balanced level of implementation of new instruments.

### **4 PROCEDURE**

4.1 The Committee should conduct an assessment of capacity-building implications by following the procedure in the flow chart in appendix 1.

4.2 Assessments of capacity-building implications should be initiated on the acceptance of a proposal for an unplanned output.

#### **Preliminary assessment of capacity-building implications**

4.3 In order to facilitate the assessment of capacity-building implications by the Committee, its Vice-Chairman should, in consultation with the Chairman and assisted by the Secretariat, undertake a preliminary assessment of capacity-building implications, using the checklist for assessing the need for capacity-building, contained in appendix 2.

4.4 The outcome of the preliminary assessment should be submitted to the Committee concerned for consideration. This should contain the Vice-Chairman's appraisal of whether there are or will be capacity-building implications or a need for technical assistance; a list of possible implications; and his/her recommendations on the way forward.

#### **Assessment of capacity-building implications**

4.5 Following the preliminary assessment, the Committee should, if necessary, decide to convene the Ad Hoc Capacity-building Needs Analysis Group (ACAG) to be chaired by the Vice-Chairman of the Committee. The ACAG should consider the preliminary assessment, taking into account comments and any further submissions thereto and, if appropriate, conduct further assessment and present its report and recommendations to the Committee.

4.6 The ACAG may refer a matter through the Committee for further consideration by another organ.

#### **Post-assessment of capacity-building implications for implementation of new measures**

4.7 When new measures have been approved, the Committee may request the ACAG to conduct a post-assessment exercise using the criteria and mechanism contained in appendix 3 to identify issues that require special focus when implementing technical cooperation and assistance activities.

4.8 A draft circular should be prepared describing the possible capacity-building implications and recommendations of a course of action, for consideration by the Organization, the membership and/or on industry.

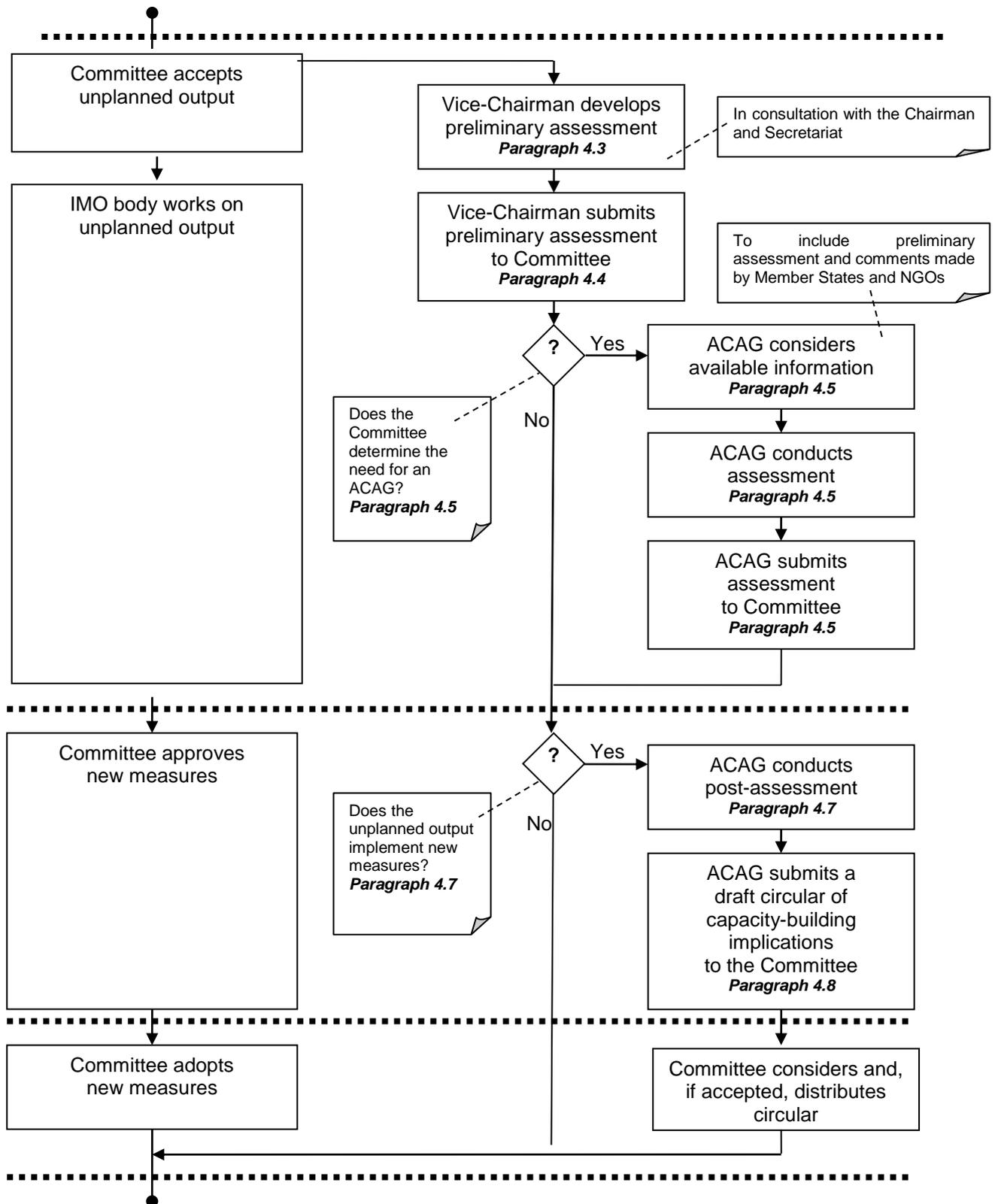
### **5 TERMS OF REFERENCE OF ACAG**

5.1 In conducting its assessment of capacity-building, the ACAG should be guided by the following terms of reference:

- .1 consider a preliminary assessment of capacity-building and technical assistance actions;
- .2 conduct an assessment and, when new measures have been approved, a post-assessment, of the capacity-building actions that may be included in the technical assistance or technical co-operation required by Administrations for the implementation of the instrument;
- .3 in consultation with the industry and non-governmental organizations, conduct an assessment and, on implementing new measures, a post-assessment, of the capacity-building actions that may be required or expected of the shipping industry for the implementation of the instrument; and
- .4 advise the Committee of the implications for capacity-building relating to a new instrument or a proposed amendment to an existing instrument, whichever is being considered.

APPENDIX 1

IDENTIFICATION OF CAPACITY-BUILDING IMPLICATIONS FLOW CHART



## APPENDIX 2

### CHECKLIST FOR THE IDENTIFICATION OF CAPACITY-BUILDING IMPLICATIONS

#### 1 For Administrations

- Is new legislation required?
- Is there a requirement for new equipment and/or systems?
  - Does equipment manufacturing capacity exist internationally?
  - Do equipment repair/servicing facilities exist internationally?
  - Is there capacity to develop new systems?
- Will the implementation require additional financial resources?
- Is there a need for additional human resources or new skills?
- Will there be a need to upgrade current infrastructure?
- Is there enough lead time towards implementation?
- Will a rapid implementation procedure be adopted?
- Is there a substantial modification of existing standards?
- Will a guide to implementation be needed?

#### 2 For the industry

- Would the industry require new and/or enhancement of existing systems?
  - Does capacity exist internationally to develop new systems?
- Is there a need for additional training of seafarers?
  - Do related and validated training courses exist?
  - Are sufficient simulation training courses available internationally?
- Will there be a requirement for new equipment?
  - Does manufacturing capacity exist internationally?
- Is there repair/servicing and/or retrofitting and does maintenance capacity exist internationally?

**APPENDIX 3**

**CHECKLIST OF ISSUES REQUIRING SPECIAL FOCUS WHEN DEVELOPING  
CAPACITY-BUILDING RELATED TO THE IMPLEMENTATION OF NEW MEASURES**

<b>Capacity-building Measures Form</b>	
<b>Instrument</b>	_____
<b>Measure number</b>	_____ of _____
<b>Required for</b>	<input type="checkbox"/> Administration <input type="checkbox"/> Industry
<b>Implementation</b>	<input type="checkbox"/> Prior to adoption <input type="checkbox"/> Once adopted <input type="checkbox"/> Prior to entry into force <input type="checkbox"/> Once ratified <input type="checkbox"/> Phased in
<b>Description of capacity-building activity needed for the implementation of new measures:</b>	
_____	
_____	
_____	

ANNEX 3

Format 1: BIENNIAL STATUS REPORT

FAL COMMITTEE								
Planned output number <sup>a</sup>	Description	Target completion year <sup>b</sup>	Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Status of output for Year 1 <sup>c</sup>	Status of output for Year 2 <sup>c</sup>	References <sup>d</sup>
<b>Notes:</b>								
<b>Notes:</b>								

**Notes:**

- a When individual outputs contain multiple deliverables, the format should report on each individual deliverable.
- b The target completion year should be specified as a year, or indicate that the item is annual or continuous. This should not indicate a number of sessions.
- c The entries under the "Status of output" columns are to be classified as follows:
  - "completed" signifies that the outputs in question have been duly finalized;
  - "in progress" signifies that work on the related outputs has been progressed, often with interim outputs (for example, draft amendments or guidelines) which are expected to be approved later in the same biennium;
  - "ongoing" signifies that the outputs relate to work of the respective IMO organs that is a permanent or continuous task; and
  - "postponed" signifies that the IMO organ has decided to defer the production of relevant outputs to another time (for example, until corresponding submissions have been received).
- d If the output consists of the adoption/approval of an instrument (e.g. resolution, circular, etc.), that instrument should be clearly referenced in this column.

**FORMAT 2: POST-BIENNIAL AGENDA OF THE COMMITTEE**

FAL COMMITTEE								
ACCEPTED POST-BIENNIAL OUTPUTS				Parent organ(s)	Coordinating organ(s)	Associated organ(s)	Timescale	Reference
Number	Biennium <sup>e</sup>	Reference to High-level Actions	Description					

**Notes:**

e Biennium when the output was placed on the post-biennial agenda

#### ANNEX 4

### **CURRENT ARRANGEMENTS IN THE SECRETARIAT FOR THE PRODUCTION OF WORKING PAPERS DURING MEETINGS**

1 The details of how to handle the preparation of working papers produced during meetings, which are agreed at the coordination meeting held between the Conference Division (CD) and the relevant technical division(s) during the week preceding each meeting, will be conveyed by the secretary of the IMO body to the chairman of that body, as well as the Chairmen of the working and drafting groups.

2 To ensure that all working papers, including the draft report, are available in all three working languages, all these documents should be as concise as possible, with a limited number of pages containing new text. The following provisions should apply:

.1 Advance text

Whenever possible, for working/drafting group reports, advance text should be provided to the translation sections. This could be whole annexes or documents prior to the meeting, or parts thereof submitted as the work of the groups progresses.

.2 Final text

Final text should be delivered to the translation sections as early as possible in the course of the meeting week as follows:

.1 Working papers – these should be delivered not later than 9 a.m. on the day of the report night, so that they may be processed during the day shift.

.2 Draft report – The night shift is to be dedicated to the processing of the draft report and will end at 1 a.m. on the following day. In order to meet the established deadline, items for the draft report not delivered throughout the week should be sent to the translation sections as early as possible on the report night, with the last remaining item to be delivered not later than 11 p.m.

ANNEX 5

**CHECKLIST FOR IDENTIFYING ADMINISTRATIVE REQUIREMENTS AND BURDENS**

The Checklist for Identifying Administrative Requirements and Burdens should be used when preparing the analysis of implications required in submissions of proposals for inclusion of unplanned outputs. For the purpose of this analysis, the terms "administrative requirements" and "burdens" are as defined in resolution A.1043(27), i.e. administrative requirements are an obligation arising from future IMO mandatory instruments to provide or retain information or data, and administrative burdens are those administrative requirements that are or have become unnecessary, disproportionate or even obsolete.

**Instructions:**

- (A) If the answer to any of the questions below is **YES**, the Member State proposing an unplanned output should provide supporting details on whether the burdens are likely to involve start-up and/or ongoing cost. The Member State should also give a brief description of the requirement and, if possible, provide recommendations for further work (e.g. would it be possible to combine the activity with an existing requirement?).
- (B) If the proposal for the unplanned output does not contain such an activity, answer **NR** (Not required).

<p>1. Notification and reporting? Reporting certain events before or after the event has taken place, e.g. notification of voyage, statistical reporting for IMO Members, etc.</p>	<p>NR</p>	<p>Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing</p>
<p>Description: (if the answer is yes)</p>		
<p>2. Record keeping? Keeping statutory documents up to date, e.g. records of accidents, records of cargo, records of inspections, records of education, etc.</p>	<p>NR</p>	<p>Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing</p>
<p>Description: (if the answer is yes)</p>		
<p>3. Publication and documentation? Producing documents for third parties, e.g. warning signs, registration displays, publication of results of testing, etc.</p>	<p>NR</p>	<p>Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing</p>
<p>Description: (if the answer is yes)</p>		
<p>4. Permits or applications? Applying for and maintaining permission to operate, e.g. certificates, classification society costs, etc.</p>	<p>NR</p>	<p>Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing</p>
<p>Description: (if the answer is yes)</p>		
<p>5. Other identified burdens?</p>	<p>NR</p>	<p>Yes <input type="checkbox"/> Start-up <input type="checkbox"/> Ongoing</p>
<p>Description: (if the answer is yes)</p>		