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Agenda item	9.2
Author(s) / Submitter(s)	Secretariat

## Preamble text for Recommendations

### 1 SUMMARY

This paper notes the present variety in the preamble text for Recommendations and proposes a new standard simplified text.

It also comments on the format of Guidelines, which appears to be satisfactory.

It seeks advice from the LAP to be provided to the 32<sup>nd</sup> session of the Policy Advisory Panel.

### 2 PREAMBLE TEXT AND TEMPLATE FOR RECOMMENDATIONS

#### 2.1 Present preamble text

There is a wide variety of preamble text in existing Recommendations. Some examples are provided at Annex A. They appear unnecessarily long, and the Secretariat would like to see a simpler and harmonised format introduced for future Recommendations.

#### 2.2 IMO preamble text

The IMO format for its Assembly Resolutions suggests that a simpler and clearer preamble is possible and desirable. An example is at Annex B.

This has the following merits.

- Refers to the source of the decision making powers
- Notes which committee recommends adoption of the Resolution by the Assembly
  - And so indicates the (technical) origin of the document
- States clearly that the Assembly adopts the Resolution
- Invites member states to implement the Resolution

#### 2.3 Proposed preamble example-format, explanation

A new preamble text proposed by the Secretariat for future Recommendations follows. It is based heavily on the IMO format at Annex B.

The text in *italics* is an example and would be adjusted to suit the specific Recommendation.

The Secretariat suggests that the number of “RECALLING”s should be limited to one or two.

Note that the proposed text

- Refers to the source of the Council decision making powers
- Notes which committee recommends adoption of the Recommendation by the Council
  - And so indicates the (technical) origin of the document
- States clearly that the Council adopts the Recommendation

- Invites (IALA) members states and aids to navigation authorities worldwide to implement the Recommendation
  - So complying with Goal 1 of the Strategic Vision
- Requests the recommending Committee to keep the subject Recommendation under review

## 2.4 Proposed preamble example-format, text

The Secretariat proposes the following text as the example-format for the preamble to future Recommendations.

### THE COUNCIL

RECALLING Article 8 of the [IALA] Constitution regarding the authority and duties of the Council

RECALLING ALSO *[insert brief background text related to the Recommendation]*

RECOGNIZING that *[insert relevant text, merits, etc.]*

HAVING CONSIDERED the advice of the *[Aids to Navigation Requirements and Management Committee]* provided to Council at its 64<sup>th</sup> Session

ADOPTS the *[Recommendation R.1030 Revision 1 Quality Management for Aids to Navigation Authorities]*, as set out in the Annex

INVITES Members and aids to navigation authorities worldwide to implement the provisions of the Recommendation

AUTHORISES the *[Aids to Navigation Requirements and Management Committee]* to keep the Recommendation under review and to propose amendments as necessary

REVOKES *[Recommendation O-132 Xxx and Guideline Zzz 2004 Revision 3.2]*.

In an earlier draft of this paper, the Secretariat use the term “Competent Authorities” where the draft text above uses “aids to navigation authorities”. The Chair of LAP then advised that “competent authority” is only defined for VTS. However the term “competent authority” is sometimes used to refer to an aids-to-navigation (buoys and beacons etc.) authority, and sometimes to one that may oversee local aids to navigation authorities in a specific country. Note that VTS is considered by IALA to be an aid to navigation.

Which term should we use? If VTS is an aid to navigation, then “aids to navigation authority” seems to be the simple and clear term to employ.

Note that IALA wishes to encourage all aids to navigation authorities, to adopt its recommendations

## 3 TEMPLATE FOR GUIDELINES

### 3.1 Present format

The Secretariat believes that the present format is satisfactory. There is no preamble.

## 4 ACTION REQUESTED OF THE LEGAL ADVISORY PANEL

The Secretariat asks the LAP to provide its advice on the proposed preamble text for Recommendations to the PAP at its 32<sup>nd</sup> session.

## ANNEX A – EXAMPLES OF PREAMBLE TEXT IN EXISTING IALA RECOMMENDATIONS

### Example 1

#### THE COUNCIL

**NOTING** the function of IALA with respect to the safety of navigation, the efficiency of maritime transport and protection of the marine environment,

**NOTING ALSO** the IMO strategy for e-navigation (MSC 85/26, Add.1, Annex 20) and the IMO e-Navigation Strategy Implementation Plan (SIP, NCSR1/28, as approved by MSC 94),

**NOTING FURTHER** that the components of the overarching e-navigation architecture (such as S-100-based Common Maritime Data Structure, Maritime Services Portfolios and harmonised shipboard and shore-based architectures, as outlined in the SIP) are expected to be effected by international standards for the delivery of e-navigation solutions,

**RECOGNISING** that there are e-navigation solutions already being planned and implemented in different regions of the world,

**RECOGNISING ALSO** that regional authorities may wish to implement e-navigation solutions to address pressing regional problems in a timely manner,

**RECOGNISING FURTHER** that unless there is harmonisation of regional solutions, incompatible solutions will potentially be implemented around the world. This will cause inefficiencies in data handling by electronic systems and confusion within the maritime community. Both have the potential to jeopardise maritime safety.

**RECOMMENDS that IALA** members and authorities providing, or intending to provide, e-navigation solutions, take into account the following:

- Provide e-navigation solutions in accordance with international standards where standards exist;
- Liaise with other regional authorities that are in the process of establishing similar enavigation solutions, with the aim of harmonising their implementation, as far as practicable;
- Contribute to the development of international standards for e-navigation solutions.

## Example 2

### **IALA Recommendation on Standards for Training and Certification of AtoN Personnel (Recommendation E-141)**

#### **THE COUNCIL:**

**RECALLING** the function of IALA with respect to Safety of Navigation, the efficiency of maritime transport and the protection of the environment;

**RECOGNISING** that training in all aspects of aids to navigation (AtoN) delivery – from inception to installation, to maintenance and life-cycle planning – is critical to the consistent provision of the AtoN service;

**RECOGNISING ALSO** the work done by the Association on the development of training for AtoN managers, technicians and VTS personnel;

**NOTING the** Decision taken at the 52nd IALA Council to develop the IALA World Wide Academy (The Academy) as the vehicle by which IALA delivers training and capacity building which has subsequently issued five Model Courses on Level 1 Manager Training; Model Course E-141/2 on Level 1+ Senior Manager Training and 33 Model Courses on Technician Training;

**NOTING ALSO** that the SOLAS Convention, Chapter 5, Regulation 13, paragraph 2, states that ‘in order to obtain the greatest possible uniformity in AtoN, Contracting Governments undertake to take into account the international recommendations and guidelines when establishing AtoN’ and that should include recommendations on training and qualification of the personnel in charge;

**CONSIDERING** the proposals by the AtoN Engineering and Sustainability Committee

**ADOPTS** the revised Standards for Training and Certification of AtoN Personnel set out in the ANNEX to this recommendation; and,

**RECOMMENDS** that National Members and other appropriate Authorities providing marine aids to navigation services use the standards given in the annex and their related model courses as the basis for the training and certification of AtoN personnel.

### Example 3

#### **IALA Recommendation on Operational and Technical Performance of VTS Systems (Recommendation V-128)**

##### **THE COUNCIL:**

**RECALLING** the function of IALA with respect to Safety of Navigation, the efficiency of maritime transport and the protection of the environment;

**NOTING** that Chapter V (12) of the International Convention for the Safety of Life at Sea 1974 (SOLAS 74 as amended) requires Contracting Governments planning or implementing VTS, wherever possible, to follow the guidelines adopted by the Organization by Resolution A. 857(20);

**NOTING ALSO** that IMO Resolution A.857(20), Annex section 2.2.2 recommends that in planning and establishing a VTS, the Contracting Government or Governments or the competent authority should *inter-alia* establish appropriate standards for shore and offshorebased equipment;

**NOTING FURTHER** that National Members provide shore infrastructure to support the aim of IMO to improve the safety of navigation and the protection of the environment;

**RECOGNISING** that IALA fosters the safe, economic and efficient movement of vessels through improvement and harmonisation of aids to navigation, including vessel traffic services, worldwide;

**RECOGNISING ALSO** that harmonisation of vessel traffic services would be enhanced by the introduction of international technical performance requirements for VTS;

**ADOPTS** the revised Recommendation on Operational and Technical Performance of VTS Systems as set out in the annex of this recommendation;

**RECOMMENDS** that Competent Authorities providing Vessel Traffic Services take into consideration the operational and technical performance of VTS systems contained in this recommendation when establishing appropriate standards for VTS systems.

**RECOMMENDS ALSO** that the VTS authorities consider this recommendation, in conjunction with the standards set by the Competent Authority, and the information for planning and operating VTS systems provided in IALA Guideline 1111 on Preparation of Operational and Technical Performance Requirements for VTS Systems.

**RECOMMENDS FURTHER** that VTS training organisations consider this recommendation when planning personnel training.

## ANNEX B – EXAMPLE OF PREAMBLE TEXT FROM AN IMO ASSEMBLY RESOLUTION

### INTERNATIONAL MARITIME ORGANIZATION

#### IMO ASSEMBLY

22nd session, Agenda item 9

A 22/Res.918, 25 January 2002

Original: ENGLISH

#### **Resolution A.918(22) Adopted on 29 November 2001 (Agenda item 9)**

#### IMO STANDARD MARINE COMMUNICATION PHRASES

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety,

RECALLING ALSO resolution A.380(X) by which it adopted the Standard Marine Navigational Vocabulary,

RECALLING FURTHER the provisions of regulation V/14.4 of the International Convention for the Safety of Life at Sea, 1974, requiring that on all ships to which chapter I thereof applies, English shall be used on the bridge as the working language for bridge-to-bridge and bridge-to-shore safety communications as well as for communications on board between the pilot and bridge watchkeeping personnel unless those directly involved in the communications speak a common language other than English,

RECOGNIZING that the standardization of language and terminology used in such communications would assist the safe operation of ships and contribute to greater safety of navigation,

RECOGNIZING ALSO the wide use of the English language for international navigational communications and the need to assist maritime training institutions to meet the objectives of safe operations of ships and enhanced navigational safety through, *inter alia*, the standardization of language and terminology used,

HAVING CONSIDERED the recommendations of the Maritime Safety Committee at its sixty-eighth and seventy- fourth sessions,

1. ADOPTS the IMO Standard Marine Communication Phrases set out in Annex 1 to the present resolution;

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2. AUTHORIZES the Maritime Safety Committee to keep the IMO Standard Marine Communication Phrases under review and to amend them when necessary in accordance with the procedure set out in Annex 2 to the present resolution;

3. RECOMMENDS Governments to give the IMO Standard Marine Communication

Phrases a wide circulation to all prospective users and all maritime education authorities, in order to support compliance with the standards of competence as required by table A-II/1 of the STCW Code;

4. REVOKES resolution A.380(X).