



REPORT OF THE 25TH SESSION OF THE IALA
LEGAL ADVISORY PANEL (LAP)

11 October 2023

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Legal Advisory Panel (LAP)
11 October, 2023
Executive Summary

The 25th session of the Legal Advisory Panel was held at IALA Headquarters and by video conference on 11 October 2023, with Christina Schneider as Chair, Henning Osnes Teigene as Vice-chair and Audrey Guinault as Secretary.

The LAP noted the reports from Council 76,77 &78, PAP 50, the 20th Conference and the 14th General Assembly.

The LAP was presented with an update about the change of status next steps and particularly the transition period detailed planning. They also discussed preparation of the Conference to be held in Tokyo about the General Regulations and Financial Regulation of the new IGO.

The LAP considered the comment made by Japan on the change in the constitution approved at the 14th General Assembly.

The LAP considered the Liaison note sent by the DTEC committee and proposed a disclaimer to be included in the document.

The panel was updated on the developments of the legal implications after the collision of frigate Helge Ingstad and tanker Sola TS on 8th November 2018 in Norwegian waters.

The rest of the meeting was routine business including the review of the Risk Registers for IALA and the World-Wide Academy.

Table of Contents

Executive Summary	3
Table of Contents	4
1. Introduction from LAP Chair and Secretary-General	5
2. Approval of the Agenda	5
3. Review of action items from LAP24	5
4. Review of input papers	5
5. Report of Council sessions 77 & 78	5
6. Report of PAP session 50.....	6
7. Report of the General Assembly in Rio de Janeiro.....	6
8. Update on the change of status – Tokyo conference	6
9. Amendment of the constitution at the General Assembly and Japanese comment.....	7
10. Draft Terms of Reference for the Committees and subsidiary bodies in the new IGO	7
11. Review of Basic Documents	7
12. Liaison note on Emerging technologies from ENAV Extraordinary meeting 1	8
13. Presentation on the legal implications after a collision (Update).....	8
14. Review of the IALA Risk Register.....	8
15. Review of the WWA Risk Register	8
16. Any other business.....	8
17. Review of Output and working papers	8
18. Review of Action Items.....	8
19. Date and place of next meeting	9
20. Approval of the report	9
ANNEX A Agenda	10
ANNEX B List of Participants.....	11
ANNEX C List of Input Papers	12
ANNEX D List of output Papers.....	13
ANNEX E Action Items	14

Report of the 25th session of the IALA

Legal Advisory Panel (LAP)

The 25th session of the Legal Advisory Panel was held at IALA Headquarters and by videoconference on 11 and 12 October 2023 with Christina Schneider as Chair, Henning Osnes Teigene as Vice-chair and Audrey Guinault as Secretary.

1. INTRODUCTION FROM LAP CHAIR AND SECRETARY-GENERAL

The Chair welcomed the participants for the first meeting of the new work period. Amongst the latest updates, she mentioned that the conference in Tokyo was coming up and also that the change of status was progressing well as the organization had already received many ratifications of the convention. The LAP had seen a lot of development since its inception and was now coming to possibly one of its last meetings under the status of the association as the change was imminent. It was also noted that this was the last meeting of Matti Eronen from Finland who has been part of the LAP for a long time. The chair expressed her gratitude to Matti for his valuable contribution to the LAP during all these years. The Secretary-General also welcomed everyone. He renewed his gratitude to Brazil for hosting such a wonderful conference and General Assembly in Rio de Janeiro last May. He encouraged participants to have a look at the report available online. He also reported that there had been many papers on the topic of MASS in the committees and therefore IALA decided to hold a workshop in October with the different stakeholders like the shipbuilders and the pilots. The workshop resulted in interesting discussions and the conclusions would be made available shortly. The change of status was going well with 22 instruments of ratification received by the Ministry of Foreign Affairs in France so far. It was noted that Singapore offered to host the first General Assembly of the new organization.

2. APPROVAL OF THE AGENDA

The Agenda (paper LAP25-2.1) was adopted.

The Agenda is provided at ANNEX A.

3. REVIEW OF ACTION ITEMS FROM LAP24

Input paper LAP25-3.1 refers.

All action items were noted as completed.

4. REVIEW OF INPUT PAPERS

A list of input papers is provided at ANNEX C.

5. REPORT OF COUNCIL SESSIONS 76, 77 & 78

Input paper LAP25-5.1 refers.

Technical Operations Manager, Minsu Jeon, reported that the Council 76 session was held from 12 to 16 December 2022 in Rio de Janeiro, Brazil. Standards, Recommendations, and Guidelines, marking the conclusion of the 2018-2023 programme were approved. The council also forwarded four key documents to the General Assembly: the Strategic Vision, Amendment to the Constitution, the new Maritime Buoyage System (MBS), and Standards Edition 2.0, all of which were endorsed. Furthermore, the council approved 27 new or revised guidelines and model courses and agreed on the 2nd IHO IALA workshop on S-100/200 slated

for 2024 in Annapolis, USA. Another highlight was the approval of Cap Spartel Lighthouse in Morocco as the Heritage Lighthouse of the Year 2023.

The Council 77 took place on 28 May 2023, also in Rio de Janeiro. This meeting had a reduced number of items as it was just preceding the conference and the General Assembly and there was no committee meeting previous to it, except for ENAV.

The Council 78 convened on 3 June 2023 in Rio de Janeiro and was the first following the election of the new council members for the period 2023-2027. Key decisions taken included the endorsement of a Committee structure for 2023-2027, which involved the renaming of the ENAV committee to DTEC. Additionally, the work programme for the 2023-2027 period was approved, and new leadership roles were designated with fresh appointments for ENG and ARM.

The reports were noted.

6. REPORT OF PAP SESSION 50

Input paper LAP25-6.1 refers.

PAP 50 was held 6-7 Sep 2024 at IALA HQ. Key outcomes from the meeting included the adoption of a work programme database, feedback on new ToRs for Committees within the upcoming IGO, and collaboration with ICAO on sea plane area markings. Additionally, the PAP was updated on IALA's role in the STCW Code review, the AIS document assessment, S-200 development, and the Maritime Resource Name (MRN).

The report was noted.

7. REPORT OF THE GENERAL ASSEMBLY IN RIO DE JANEIRO

Input paper LAP25-7.1 refers.

Technical Operations Manager, Minsu Jeon reported that the conference and general assembly were held between May and June in Brazil. The event gathered more than 600 people and featured around 140 presentations, providing insights into IALA's technical areas and future prospects.

Key topics included sustainability aligned with the UN's SDGs and the synergy between IHO and IALA for digital transformation. The rise of autonomy and its human-centric challenges due to digitalization were also discussed. While embracing new technologies, the importance of physical AtoN for mariners remains paramount.

The General Assembly concluded the conference. Major decisions taken included:

- Approval of amendments to the constitution
- Endorsement of the Standards Ed 2.0 and MBS Ed2.0
- Endorsement of the Strategic vision
- Consideration of member proposals
- Election of the new council.

The LAP noted the report.

8. UPDATE ON THE CHANGE OF STATUS – TOKYO CONFERENCE

The Secretary General, Francis Zachariae, updated the panel on the latest ratifications of the convention. He reminded the panel that a General Assembly would need to be held within 6 months after the 90 days period following the deposit of the 30th instrument of ratification. He explained that during that time, the aim would be to agree on as many items as possible such as the new Staff Rules, the General and Financial Regulations, the Budget, etc. in order for the General Assembly to go as smoothly as possible. The transition council should see all the documents before the General Assembly of the new organization. The panel was presented with

a detailed timeline of the transition period. This timeline was posted on the website amongst the output of LAP25. The Secretary-General reminded that comments on the General Regulations and Financial regulations to be discussed in Tokyo should be preferable and if possible submitted before the meeting to give enough time to all delegates and the Secretariat to see the proposals made.

9. AMENDMENT OF THE CONSTITUTION AT THE GENERAL ASSEMBLY AND JAPANESE COMMENT

Input paper LAP25-9.1 refers.

The chair introduced the paper and gave some background regarding the comment made by Japan at the General Assembly. As a reminder, while the constitution does not explicitly forbid that one country has more than one national member, the change made to the constitution should prevent that countries by nominating several national members can influence the decision-making process in IALA in their favour and as such violating the principle of equal rights as one of the fundamental principles of international cooperation. The General Assembly unanimously adopted the proposal. Japan did not oppose the proposed amendment but raised concern that as all national members pay the same contributions, they should all be allowed to vote as well, other than in the election of the Council.

The panel discussed the issue and agreed in the following advice to forward to the council. In international cooperation the principle of equal rights should be followed as much as possible, therefore IALA should follow the same principles. Countries which have more than one national member would have to coordinate according to their own practice before they vote.

Denmark raised that they may have an issue in the near future following changes with the status of the Faroe Islands but concluded that it remains a national problem of political nature and for the time being cannot be solved within the constitution of IALA.

Furthermore to the agreed way ahead, it was noted that voting is rare in IALA and also that the new status of the organization will provide a solution as the convention is clear on the matter. Should the change of status of the organization not happen within the next few years, the issued may be considered again.

Action item 1

The Secretariat is requested to forward a liaison note to council reflecting the advice of the panel on the comment submitted by Japan at the 14th General Assembly.

10. DRAFT TERMS OF REFERENCE FOR THE COMMITTEES AND SUBSIDIARY BODIES IN THE NEW IGO

Input paper LAP25-10.1 refers.

The panel considered the submitted draft terms of reference and the cover note submitted in preparation for the change of status. They had a closer look at the LAP terms of reference to begin with and suggested a few amendments on the wording. Then they looked at the terms of reference for the committees and the cover note and also made a few suggestions to harmonize the documents.

Action item 2

The Secretariat is requested to forward the comments made by the LAP on the Draft Terms of Reference for the committees and subsidiary bodies in the new IGO to Council.

11. REVIEW OF BASIC DOCUMENTS

Input paper LAP25-11.1 refers.

There was no revision of the basic documents at this session.

12. LIAISON NOTE ON EMERGING TECHNOLOGIES FROM ENAV EXTRAORDINARY MEETING 1

Input paper LAP25-12.1 and LAP25-12.1.1 refer.

Minsu Jeon introduced the paper received from ENAV EM1. The DTEC Committee (formerly ENAV) has developed Guideline 1153 to serve as a template dedicated to reviewing and evaluating emerging technologies. The committees wished to seed guidance from the LAP regarding a possible disclaimer for such a document.

After discussion on the nature of the document and its possible use, the LAP agreed to forward a proposal of a disclaimer for the DTEC committee to consider adding on the document. The panel also advised that the committee use the appropriate naming of the document to indicate that it is a working document.

Action item 3

The Secretariat is requested to forward a liaison note to the DTEC Committee with the advised disclaimer proposed by the panel.

13. PRESENTATION ON THE LEGAL IMPLICATIONS AFTER A COLLISION (UPDATE)

Henning Osnes Teigene gave an update on the presentation about the legal implications after the collision of frigate HNoMS Helge Ingstad and tanker Sola TS on 8th November 2018 in Norwegian waters. The presentation was made available amongst the output of the meeting.

14. REVIEW OF THE IALA RISK REGISTER

Input paper LAP25-14.1 refers.

The Secretary-General indicated that the risks were same since the panel last looked at the document therefore there was no new change to mention. The delegate for UK suggested that the pandemic risk be lowered, which was agreed by the panel.

Action item 4

The Secretariat is requested to update the IALA Risk Register and forward it to Council 79.

15. REVIEW OF THE WWA RISK REGISTER

Input paper LAP25-15.1 refers.

The Secretary-General introduced the Risk Register for the WWA and indicated that there were no changes since the panel last saw this document.

Action item 5

The Secretariat is requested to send the updated WWA Risk Register to Council 79.

16. ANY OTHER BUSINESS

17. REVIEW OF OUTPUT AND WORKING PAPERS

The list of output is at Annex D. There were no working papers.

18. REVIEW OF ACTION ITEMS

The list of action items is at Annex E.

19. DATE AND PLACE OF NEXT MEETING

LAP26 was scheduled to take place at IALA Headquarters from 24 to 25 April 2024. The chair indicated that, depending on the agenda, the meeting may only be online.

20. APPROVAL OF THE REPORT

The report of LAP25 was to be approved by correspondence.

TWENTY-FIFTH MEETING OF THE LEGAL ADVISORY PANEL - LAP 25

Legal Advisory Panel

25th Session

Agenda item 2

LAP 25-2 (rev2)

October 11-12, 2023

IALA Headquarters

The 25th meeting of the IALA **Legal Advisory Panel** will be held on 11th and 12th October 2023 from 9:30 to 17:00 at IALA Headquarters, 10 rue des Gaudines, Saint-Germain-en-Laye, France.

LAP 25 - PROVISIONAL AGENDA

1. Welcome and introduction from LAP chair and Secretary General
2. Approval of the agenda
3. Review of action items from LAP 24
4. Review of input papers
5. Report of IALA Council 77-78
6. Report of PAP 50
7. Report of the General Assembly in Rio de Janeiro
8. Update on the Change of Status – Tokyo Conference
9. Amendment of the constitution at the General Assembly and Japanese comment
10. Draft Terms of Reference for committees and subsidiary bodies in the new IGO
11. Review of Basic Documents
12. Liaison note on Emerging Technologies from ENAV Extraordinary meeting 1
13. Legal implications in relation to VTS etc. after the collision between tanker SOLA and Norwegian Frigate Helge Ingstad (update)
14. Review of the IALA Risk Register
15. Review of the World-Wide Academy Risk Register
16. Any other business
17. Review of output and working papers
18. Review of action items
19. Date and place of next meeting
20. Approval of the report

ANNEX B LIST OF PARTICIPANTS

LAP Chair	Christina Schneider Federal Waterways and Shipping Agency Germany
LAP Vice-Chair	Henning Osnes Teigene Norwegian Coastal Administration Norway
Cameroon	Joseph Nguene Nteppe Port Autonome de Douala Sidi Mougna Port Autonome de Douala Kevin Bikadal bibeki Port Autonome de Douala
Denmark	Kasper A.T. Jespersen Danish Maritime Authority
Egypt	Ahmed Khamis Egyptian Authority for Maritime Safety
Finland	Matti Eronen Finnish Transport Infrastructure Agency Anna Mesimäki Finnish Transport and Communications Agency
France	Fleur Vitoux Direction générale des affaires maritimes, de la pêche et de l'aquaculture
Italy	Gian Luca Menabene Italian Coast Guard Barbara Magro Italian Coast Guard
Netherlands	Maarten Berrevoets Ministry of Infrastructure and Water Management
Sweden	Asa Holm Swedish Maritime Administration
United Kingdom	Thomas Arculus Trinity House
IALA	Secretary-General Francis Zachariae Technical Operations Manager Minsu Jeon Communication Officer Audrey Guinault

Meeting	Agenda Item	Title / Author (if required)	Source	Output papers
LAP25-	2.1	Provisional Agenda	Secretariat	
LAP25-	3.1	Review of action items from LAP24	Secretariat	
LAP25-	4.1	Review of input papers	Secretariat	
LAP25-	5.1.	Report of C77	Secretariat	
LAP25-	5.2	Report of C78	Secretariat	
LAP25-	6.1	Report of PAP50	Secretariat	
LAP25-	7.1	Report of the General Assembly	Secretariat	
LAP25-	9.1	Amendment of the Constitution at the GA and Japanese comment	Secretariat	
LAP25-	10.1	Draft ToR for the IGO	Secretariat	
LAP25-	11.1	IALA Basic Documents	Secretariat	
LAP25-	12.1	Liaison note from ENAV EM1	Secretariat	
LAP25-	13.1	IALA Risk Register	Secretariat	
LAP25-	14.1	Academy Risk Register	Secretariat	

Meeting	No.	Title	Action
LAP25-	17.1	Liaison Note to Council 79 on the Japanese comment to the change in the constitution agreed at the GA	To Council to consider
LAP25-	17.2	Note by the Secretariat on draft Terms of Reference for committees and subsidiary bodies for the new IGO	To Council to consider
LAP25-	17.2.1	Draft Cover Paper for the General Assembly on the ToR for Committees and Subsidiary bodies	To Council to consider
LAP25-	17.2.1.1	Draft ToR ARM	To Council to consider
LAP25-	17.2.1.2	Draft ToR DTEC	To Council to consider
LAP25-	17.2.1.3	Draft ToR ENG	To Council to consider
LAP25-	17.2.1.4	Draft ToR VTS	To Council to consider
LAP25-	17.2.1.5	Draft ToR LAP	To Council to consider
LAP25-	17.2.1.6	Draft ToR PAP	To Council to consider
LAP25-	17.3	Liaison note to DTEC on Emerging Tech Guideline	To DTEC to consider
LAP25-	17.4	IALA Risk Register	To Council to consider
LAP25-	17.5	WWA Risk Register	To Council to consider

Action item 1

The Secretariat is requested to forward a liaison note to council reflecting the view of the panel on the comment submitted by Japan at the 14th General Assembly.

Action item 2

The Secretariat is requested to forward the comments made by the LAP on the Draft Terms of Reference for the committees and subsidiary bodies in the new IGO to Council.

Action item 3

The Secretariat is requested to forward a liaison note to the DTEC Committee with the advised disclaimer proposed by the panel.

Action item 4

The Secretariat is requested to update the IALA Risk Register and forward it to Council 79.

Action item 5

The Secretariat is requested to send the updated WWA Risk Register to Council 79.



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