



IALA

REPORT OF THE 20TH SESSION OF THE IALA
LEGAL ADVISORY PANEL (LAP)

29 October 2019

**Report of the 20th session of the IALA
Legal Advisory Panel (LAP)
29 October, 2019
Executive Summary**

The 20th session of the Legal Advisory Panel was held on 29 October 2019 at IALA Headquarters, with Christina Schneider as Chair, Henning Osnes Teigene as Vice-chair and Audrey Guinault as Secretary.

LAP noted the reports from council 69, PAP38 and the last committee session.

LAP considered the input paper from ARM on regions at the poles and decided to go back to the original text of the agreement in the MBS to study the question.

LAP considered the input paper from ENG on a patent issue with the company True Heading and decided that the Secretariat will state IALA's view in an official letter addressed to the CEO.

LAP considered the input paper from VTS about Chapter 4 of the VTS Manual. It was decided to establish an intersessional working group to review the text to be submitted to the next VTS committee meeting.

Regarding the enquiry from ESSP on SBAS/EGNOS, LAP confirmed that SBAS can be considered as Marine Aids to Navigation defined in the IALA constitution.

The revision of the Basic Documents was postponed to the next meeting as the participants wished to have more time to consider the changes.

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

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Report of the 20th session of the IALA Legal Advisory Panel (LAP)

GENERAL

The 20th session of the Legal Advisory Panel was held on 29 October 2019 at IALA Headquarters, 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 everyone and gave a short introduction to the history of LAP since 2005. The Secretary-General welcomed everyone and indicated that the last two months were very busy for the Secretariat with a workshop, PAP and 4 Committee meetings.

After 10 years of work on the draft convention it is not the main task for LAP anymore as it is now in a diplomatic process. Depending on the outcome of the diplomatic process LAP might still be involved in work relevant to the ongoing change of status of IALA. The Chair would like to strengthen the involvement of LAP with the work of the Committees.

2020 will be a busy year with the Diplomatic Conference in Kuala Lumpur in February and workshops in January, June and October as well as the VTS Symposium in Rotterdam in May.

2. APPROVAL OF THE AGENDA

The Agenda (paper LAP20-2.1) was adopted.

The Agenda is provided at ANNEX A.

3. REVIEW OF ACTION ITEMS FROM LAP19

Input paper LAP20-3 refer.

All action items were noted as completed. Missing output documents from LAP19 are uploaded to the website.

4. REVIEW OF INPUT PAPERS

A list of input papers is provided at ANNEX C.

5. REPORT OF IALA COUNCIL SESSION 69

Input papers LAP20-5 refer.

The report was noted.

6. REPORT OF PAP SESSION 38

Input papers LAP20-6 refer.

The report was noted.

7. REPORT ON THE LAST COMMITTEE SESSION AND ONGOING DEVELOPMENTS

The Technical Operations Manager of IALA Minsu Jeon made a brief introduction about the Committee structure. There are 4 Committees working on a 4-year work programme between General Assemblies. There were some changes in responsibilities between e-nav and ARM in comparison to the work period before.

The Deputy Secretary-General Omar Frits Eriksson added that there was ongoing work on re-structuring the Recommendations and Guidelines of IALA under the established hierarchy of IALA documents. Among others VDES is one of the important projects being worked on in IALA.

Matti Eronen raised a question the Deputy Secretary General on the Marine Aids to Navigation in relation to the development of autonomous ships. It was stated that with the introduction of autonomous ships there will need to be adjustments to Marine Aids to Navigation, e.g. VTS. Kerstin Hansdotter Sköld added that on the European Level this issue is discussed as well.

8. IALA CHANGE OF STATUS PROJECT

8.1 Diplomatic Conference in Kuala Lumpur 25-28 February 2020

Secretary-General Francis Zachariae introduced the planned schedule for the Conference as well as the venue. He also introduced the draft text of the Final Act.

The Russian delegation asked for more details on the procedure for the signing of the Final Act including the need for credentials when signing the Final Act. All of the procedures for the Diplomatic Conference including Rules of Procedures, Final Act and the Committee's structure will be based on IMO procedures and therefore are standard procedures for Diplomatic Conferences. The Secretary-General introduced the timetable for the Diplomatic Conference based on those documents.

The Diplomatic Conference will end with the signing of the Final Act. The next step in the process will be the opening of the Convention for signatures which will be likely to take place in Paris in 2020. The signing of the Convention is usually seen as a diplomatic procedure often carried out by the respective Ambassador to the host country or a high-ranking Government official of the State signing the Convention. The participants discussed the different national procedures for ratification etc. in their countries. The time necessary for this process will be different in each country.

8.2 Headquarters Agreement

The Secretary-General informed the meeting about the status and ongoing discussions with the French Government.

9. REPORT ON PROPOSED CHANGES TO IMO RES. A.857(20)

Input papers LAP20-9 refer.

The Chair reported that most of the advised changes from LAP 19 were taken into account into the further development of the draft new resolution. The new draft resolution will be submitted to the IMO where it be dealt with by NSCR and MSC before the final adoption.

10. REVIEW OF IALA CONSTITUTION

Input paper LAP20-10 refer.

No proposal of changes put to LAP

11. REVIEW OF BASIC DOCUMENTS

Input paper LAP20-11 refer.

The Chair had proposed some changes to the General Regulations, but participants wished to have more time to go through it. Participants were asked to submit their comments to the Secretariat and that the revision of the General Regulations will be an input paper for the LAP 21.

Action item 1

Review of General Regulations to be input paper to LAP21.

12. MEETING ON SBAS/EGNOS WITH THE EUROPEAN SATELLITE SERVICES PROVIDER

Input paper LAP20-12 refer.

The Chair gave a summary on the meeting held at IALA HQ on the 28 October 2019 with representatives from ESSP/EGNOS. As decided by LAP 19 the meeting was informed about the view that SBAS can be considered a Marine Aids to Navigation in relation to the definition in the IALA constitution. The ENG Committee already had worked on a guideline for SBAS Maritime Service that will be submitted to Council 70 in December. In relation to specific legal advice for ESSP/EGNOS IALA advised them to ask the European Commission Office for legal affairs as IALA will not be in a position to issue legal support to individual service providers. A note will be sent to the ENG Committee stating that SBAS can be considered as Marine Aids to Navigation.

Action item 2

LAP to send a liaison note to the ENG committee stating that SBAS can be considered Marine Aids to Navigation

13. ADVICE ON GUIDANCE DOCUMENTS UNDER DEVELOPMENT OR UNDER REVIEW

Input papers LAP20-4.1.1, LAP20-4.1.2, LAP20-4.2.1, LAP20-4.2.2, LAP20-4.3.1, LAP20-4.3.2, LAP20-4.3.3, LAP20-4.3.4, LAP20-4.3.5 refers.

The ARM Committee asked the LAP for advice on precise boundaries of IALA A and B regions at the poles. The question was raised whether there were many AtoNs at the poles and whether it was an actual problem and which countries are involved. According to the Maritime Buoyage System Agreement (MBS) individual countries state if they want to follow region A or B. The participants agreed that it would be necessary to do further research on the issue including the status of the MAP showing regions A and B as incorporated in the relevant IALA guideline. Before they could give a final answer to the ARM committee. The item will be on the agenda again for LAP 21

Action item 3

The Secretariat is requested to send a note to the ARM Committee that LAP requests more information from the Committee if AtoNs are actually being in operation in the region concerned and that LAP will need more time to investigate the issue at LAP 21.

The VTS committee asked for feedback on chapter 4 of the draft VTS Manual. LAP 20 noted that the presented text on legal matters was quite extensive and there it was discussed if the level of detail would be suitable for the intended users of the VTS Manual. The Deputy Secretary-General explained that it was meant for governments and competent authorities to decide whether they need a VTS and how to operate it. It is also meant to educate people on the wider legal background of VTS. Some participants were in favor of cutting some of the text, others suggested it needed re-wording. An Intersessional working group (ISWG) was established to consider the legislation-part of the VTS Manual. Matti Eronen was nominated to be the chair of this ISWG with effective cooperation with other colleagues and members of LAP to submit the proposal of revised wording by mid-January 2020. The proposal will be sent to VTS48.

Action item 4

Matti Eronen to lead the intersessional working group to revise the text.

The Secretariat requested to send a proposal of better wording of some text in Chapter 4 of the VTS Manual to VTS48 by mid-January 2020.

The ENG committee asked LAP for advice on a patent issue in relation to R-Mode and True Heading. It is not the first time that patent issues are raised in IALA. The danger would be that it could hamper the development of new technologies. In case of True Heading LAP advises that IALA's patent policy should be followed. The next step would be for IALA to send a formal letter to True Heading informing that IALA does not see a violation of patents with the development of R-mode as stated by the ENG Committee and the technical experts in the IALA Secretariat.

Action item 5

*The LAP Chair and Vice Chair will assist the Secretary-General to write a letter to True Heading
The Secretariat requested to inform the ENG committee on LAP's advice.*

14. REVIEW OF THE IALA RISK REGISTER

Input papers LAP20-14 refer.

LAP reviewed the updated IALA Risk Register. There was one minor change on 1.2 change of status. The Risk Register should be submitted to Council 70 for consideration.

Action item 5

The Secretariat is requested to forward the IALA Risk Register (input paper LAP20-14) to Council70 for consideration.

15. REVIEW OF WWA RISK REGISTER

Input paper LAP20-15 refer.

The Dean of the WWA presented the WWA Risk Register. In reviewing the WWA Risk Register it emerged that the biggest risk is loss of sponsorship. There is a risk of excessive commitment for the WWA, but it is managed by implementing an action plan. The most worrying risk is personal safety for staff on their missions, as countries with a more challenging security situation have asked IALA e for support.

Action item 6

The Secretariat is requested to forward the WWA Risk Register (input paper LAP20-15) to Council70 for consideration.

17. REVIEW OF OUTPUT AND WORKING PAPERS

The list of output papers 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

The next LAP meeting (LAP21), is scheduled for March 30-31, 2020.

20. APPROVAL OF THE REPORT

The report of LAP20 was to be approved by correspondence.

Legal Advisory Panel20th Session

Agenda item 1

LAP 20-2.1

October 29 - 30, 2019

IALA Headquarters

The 20th meeting of the IALA **Legal Advisory Panel** will be held on 29th and 30th October 2019 at IALA Headquarters, 10 rue des Gaudiness, 78100 Saint-Germain-en-Laye, France.

The meeting will commence at 1000 hours on 29th October and is expected to finish at 1600 hours on the 30th.

LAP 20 - PROVISIONAL AGENDA

(2019-09-16)

1. Welcome and introduction from LAP chair and Secretary General
2. Approval of the agenda
3. Review of action items from LAP 19
4. Review of input papers
5. Report of IALA Council 69
6. Report of PAP 38
7. Report of the last Committee session and ongoing developments
8. IALA change of status project (information only)
 - 8.1. Diplomatic Conference in Kuala Lumpur 25-28 February 2020
 - 8.2. Update on Headquarters Agreement
9. Report on proposed changes to IMO Res. A.857 (20)
10. Review of IALA Constitution
11. Review of Basic Documents
12. Meeting on SBAS/EGNOS with the European Satellite Services Provider
13. Advice on guidance documents under development or under review
14. Review of the IALA Risk Register
15. Review of the World-Wide Academy Register
16. Any other business
17. Review of output and working papers
18. Review of Action items
19. Date and place of next meeting (30-31 March 2020)
20. Approval of the report

LAP Chair	Christina Schneider Federal Waterways and Shipping Agency Christina.schneider@wsv.bund.de
LAP Vice-Chair	Henning Osnes Teigene Norwegian Coastal Administration henning.osnes.teigene@kystverket.no
Denmark	Kasper Jespersen Danish Maritime Authority kjn@frv.dk
Finland	Finnish Transport Agency Matti Eronen Matti.eronen@ftia.fi
Sweden	Kerstin Hansdotter-Skold Swedish Maritime Administration kerstin.hansdotterskold@sjofartsverket.se
Belgium	Lynn Pauwels Agency for Maritime Services and Coast-Flemish Government Lynn.pauwels@mow.vlaanderen.be
Russia	Oleg Gaidai Principal Department of Navigation & Oceanography Oleg_highday@mail.ru Dmitry Shmelev Principal Department of Navigation & Oceanography Oas-73@mail.ru
France	Eugénie Vandoorne Direction des affaires maritimes Eugenie.vandoorne@developpement-durable.gouv.fr
IALA	Secretary-General Francis Zachariae francis.zachariae@iala-aism.org Deputy Secretary-General Omar Frits Eriksson omar.eriksson@iala-aism.org Technical Operations Manager Minsu Jeon minsujeon@iala-aism.org Communication Officer Audrey Guinault audrey.guinault@iala-aism.org

Meeting	Agenda Item	Title / Author (if required)	Source	Output papers
LAP20-	2.1	Provisional Agenda	Secretariat	
LAP20-	3	Review of action items from LAP19	Secretariat	
LAP20-	4.1.1	ARM9 WP IALA Regions at the Poles	ARM committee	
LAP20-	4.1.2	ARM Liaison note to LAP regarding Regions at the Poles	ARM Committee	LAP20-17.1
LAP20-	4.2.1	VTS Annex VTS Manual Chapter 4	VTS Committee	
LAP20-	4.2.2	VTS Liaison note to LAP on VTS Manual	VTS Committee	LAP20-17.2
LAP20-	4.3.1	ENG Liaison note to LAP re True Heading Patent	ENG Committee	LAP20-17.3
LAP20-	4.3.2	Report on the workshop on R-Mode	ENG Committee	
LAP20-	4.3.3	Comparison of AIS-R-Mode and True Heading Patent	ENG Committee	
LAP20-	4.3.4	EU Patent EP3052956	ENG Committee	
LAP20-	4.3.5	RSN 2014-0292	ENG Committee	
LAP20-	5	Report of the IALA Council 69	Secretariat	
LAP20-	6	Executive Summary of PAP38	Secretariat	
LAP20-	9	Draft IMO Resolution A.857(20)	Secretariat	
LAP20-	10	IALA Constitution	Secretariat	
LAP20-	11	Basic Documents	Secretariat	
LAP20-	12	Report on the meeting with ESSP	Secretariat	
LAP20-	14	IALA Risk Register	Secretariat	LAP20-18.1
LAP20-	15	WWA Risk Register	Secretariat	LAP20-18.2

Meeting	No.	Title	Action
LAP20-	16.1	Report LAP20	To Council to note
LAP20-	17.1	Liaison note to ARM	To ARM committee to note
LAP20-	17.2	Proposal of better wording of some text of Chapter 4 of the VTS Manual	To VTS committee to consider
LAP20-	17.3	Liaison note to ENG	To ARM committee to note
LAP20-	18.1	IALA risk register	To Council to consider
LAP20-	18.2	WWA risk register	To Council to consider

1. *Review of General regulations to be input paper to LAP21.*
2. *The Secretariat is requested to send a note to the ENG committee stating that SBAS can be considered as aids to navigation.*
3. *The Secretariat is requested to send a note to the ARM Committee that LAP needs more time to study the original text and that it will be input to LAP21.*
4. *LAP requested to send a proposal of better wording of some text in Chapter 4 of the VTS Manual to VTS48 by mid-January.*
5. *The Secretariat is requested to forward the IALA Risk Register (input paper LAP20-14) to Council 70 for consideration.*
6. *The Secretariat is requested to forward the World-Wide Academy Risk Register (input paper LAP20-15) to Council 70 for consideration.*



10, rue des Gaudines - 78100 Saint Germain en Laye, France
Tél. +33 (0)1 34 51 70 01- Fax +33 (0)1 34 51 82 05 - contact@iala-aism.org
www.iala-aism.org

International Association of Marine Aids to Navigation and Lighthouse Authorities
Association Internationale de Signalisation Maritime