



REPORT OF THE 23RD SESSION OF THE IALA
LEGAL ADVISORY PANEL (LAP)

29-30 March 2022

**Report of the 23rd session of the IALA
Legal Advisory Panel (LAP)
29-30 March, 2022
Executive Summary**

The 23rd session of the Legal Advisory Panel was held by videoconference on 29-30 March 2022, with Christina Schneider as Chair, Henning Osnes Teigene as Vice-chair and Audrey Guinault as Secretary.

The LAP noted the reports from Council 74, PAP 44 and the last committee sessions.

The LAP was informed about the changes to the standards following PAP44. The LAP reviewed the standards and made some small amendments for the PAP to consider.

The LAP was briefed on the change of status progress and particularly on the way ahead, following the successful signing ceremony in January 2022 with 51 signatures. The transition period plan, the new General Regulations, Headquarters agreement and staff rules were presented to the panel.

The LAP also reviewed the draft MBS following the changes made by the PAP and the ARM committee and suggested some editorial changes.

The LAP considered the amendments made to the Basic Documents regarding the Terms of Reference for the Committees and made further changes. The new edition of the Basic Document will be submitted to Council 75 for approval.

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 23rd session of the IALA Legal Advisory Panel (LAP)

The 23rd session of the Legal Advisory Panel was held by videoconference on 29 and 30 March 2022 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 for yet another virtual meeting due to the Covid-19 pandemic. There was hope that the next round of meeting in the second half of the year could be face to face or in a hybrid way as the pandemic seemed to diminish and several countries were lifting restrictions. The chair indicated that there was a very packed agenda for this meeting and many tasks ahead for the LAP, particularly regarding the change of status.

The Secretary-General welcomed participants to the meeting and shared his optimistic view that the pandemic was on its way out as travels were resuming more and more and countries opening up. He reminded that IALA's preference was for face to face meetings, with online possibilities. Following the successful signing ceremony in January, he gladly reported that 51 states signed the convention. He then wished everyone a good and productive meeting.

2. APPROVAL OF THE AGENDA

The Agenda (paper LAP23-2.1) was adopted.

The Agenda is provided at ANNEX A.

3. REVIEW OF ACTION ITEMS FROM LAP21

Input paper LAP23-3.1 refers.

All action items were noted as completed.

4. REVIEW OF INPUT PAPERS

A list of input papers is provided at ANNEX C. Three papers were submitted as late input as there were changes made only a few days before the meeting.

5. REPORT OF IALA COUNCIL SESSION 74

Input paper LAP23-5.1 refers.

The report was noted.

6. REPORT OF PAP SESSION 44

Input paper LAP23-6.1 refers.

The report was noted.

Mary Dean from Australia raised that the legal committee of IMO added the issue of MASS on its work programme. Similarly to what IALA put in place, there will be a joint committee in order to facilitate coordination across all committees.

Kerstin Hansdotter from Sweden asked if issue of the use of 'shall' or 'should' that was discussed during the PAP would be discussed by the LAP. The Secretary-General explained that the different use of 'shall' or 'should' was quite clear and will be specified in the style guide. Should a problem arise, the LAP will be asked for advice.

7. REPORT ON THE LAST COMMITTEE SESSION AND ONGOING DEVELOPMENTS

Technical Operations Manager, Minsu Jeon, gave a brief report on the committee's work to update the panel on the developments since the last LAP meeting. He highlighted 7 main topics:

- Maritime Service in the context of e-navigation
- MASS
- Global Maritime Digital Route Transition (Testbed for Transition)
- IALA Software and associated liability
- IALA Questionnaire
- Standards
- MBS

The LAP noted the report.

8. REVIEW OF DRAFT STANDARDS

Input papers LA23-8.1 to LAP23-8.9 refer.

Minsu Jeon, Technical Operations Manager, introduced the review of the Standards. The few changes made to the standards have been agreed during PAP44. The LAP was requested to see if there would be any legal issues to address.

Minsu recalled that there was no need for drastic changes at this stage as the standards will be reviewed by the new General Assembly of the new IGO.

The LAP concentrated its consideration only on the first Standard – S1010 as each Standard used the same template. Kerstin Hansdotter from Sweden suggested the revision of the term 'Technical Scope', which is used in Section 4.. She indicated that it may be a bit general and confusing.

Also in relation to Section 4, Matti Eronen from Finland raised that the terms 'normative' and 'informative' may be confusing and difficult to interpret. The Chair reminded that Standards are not mandatory, compliance is an internal decision for authorities. The term 'normative' refers to the Recommendations that have to be implemented if an authority claims conformity with a standard.

Vice-chair Henning Osnes Teigene suggested to add 'non-mandatory' in the sentence above the description table in Section 1, as it was specified 'non-mandatory' in the Standard definition but not in the IALA Recommendation, and that could be confusing. There was a proposal to add 'non-mandatory' in the definition of IALA Recommendation as well, but after discussion, and careful consideration including that the wording of the definitions was agreed at the General Assembly after lengthy discussions, the panel agreed to keep the text as it was in the definition and only to add 'non-mandatory' in the sentence above for clarity purpose.

Henning, in cooperation with Mary Dean, proposed to withdraw part of the text in Section 2 referring to the strategic goals as these were already referred to in the preamble and to include new text more fitting to the description needed. Matti Eronen and Maarten Berrevoets from the Netherlands supported the proposed changes.

The LAP agreed that the amended text was clearer with the proposed changes and supported the addition of the new paragraph.

There was also a proposal to delete the word ‘technical’ from ‘technical scope’ in Section 4 and a proposal to edit the numbering as well. There was agreement from the panel to add an S in front of the numbers (rather than a TS).

Action item 1

The Secretariat is requested to send the proposed changes to the Standards to PAP46.

9. IALA CHANGE OF STATUS

Input paper LAP23-9.1 refers.

9.1 Transition period

9.1.1 Use of the General Regulations mutatis mutandis

The Secretary-General, Francis Zachariae, introduced the documents. He indicated that following the successful signing ceremony in January and 51 signatures, continuous efforts are made by members and more and more ratifications are making good progress. The Secretariat was well occupied with administrative procedures in preparation of the change of status. A French law firm named ‘Carlara’ was hired, after advice from the LAP, to help with the legal process according to French law for the change of status.

Regarding the transitional arrangements, the Secretary-General gave a schematic overview of the transition period. He reminded the panel that it would be difficult to predict the timing for obtaining the necessary number of accessions or ratifications. There was however a certainty that 90 days after 30 ratifications, the IGO would be a reality. There will be a necessary period for the transfer of assets and liability. The General Assembly of the new IGO will have to be held within the next 6 month after the 90 days following the 30 ratifications. The 1st General Assembly will agree on new General Regulations and elect a Council and a Secretary-General.

9.1.2 Advice on procedure to members of IALA to join the IGO.

Regarding the future of the members after the change of status, it was important to note that it would be necessary for current industrial members and national members who do not belong to a signatory or acceding State to actively ask to be members of the new organization. The secretariat prepared a draft letter to the potential members.

Mary Dean proposed some changes to improve the letters with more targeted content. She explained that her suggestion was to include more information as this was needed for people to understand the process as they may not be very familiar with it. The information added is intentionally written in a less legal language for all AtoN authorities to easily understand. The LAP agreed to the amended texts.

Mary Dean also raised that the correspondence introduced by the Secretary-General would have to be sent at the right moment to best reach the members when it is needed.

Action item 2

The Secretariat is requested to forward the amended draft letters on the procedure to join the IGO to Council for consideration.

9.1.3 Advice on how to proceed with the development of the General Regulations for the IGO

The member states of the IGO will have to agree the General Regulations at the General Assembly, therefore those Regulation would have to be prepared beforehand. The Secretariat plans to invite members to the Headquarters (or somewhere else if there is an invitation from a national member) to develop the final General Regulations. The Secretary-General indicated that the 51 signatory and other States who have already ratified would be invited, possibly in the first quarter of 2023 to a meeting, possibly for a whole week, dedicated to drafting the new General Regulations. As there exists already a quite mature draft after the preparatory conference in Istanbul, it will be necessary beforehand to adapt this draft to reflect the Convention text negotiated in Kuala Lumpur. Maarten Berrevoets, Matti Eronen and Hideki Noguchi from

Japan agreed with the Secretary-General's proposal. Hideki Noguchi indicated that the Japanese ministry of foreign affairs would probably have to be involved in the process too but that remained to be confirmed. Kerstin Hansdotter hoped that Sweden could also be part of the drafting process.

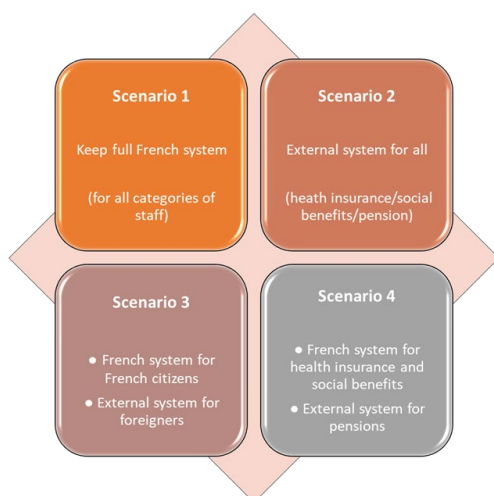
Kasper Jespersen from Denmark asked whether the new regulations would have to be re-written. The Secretary-General indicated that it would be built on the current regulations. No major changes were planned but some issues might need to be discussed with the new status. Matti Eronen added that some drafting could be done ahead and issues studied before the actual meeting.

9.2 Informative note on the Headquarters agreement

Christine Phillip, Finance and Administration Manager introduced the draft Headquarters agreement. A draft standard Headquarter agreement was presented for the first time to IALA in January 2020 during a meeting held in Paris, at the French Ministry of Foreign Affairs. The presented Headquarters agreement was similar to many other agreements signed with the French ministry for similar international organizations. Following a question from Hideki Noguchi the Secretary-General explained that the headquarters agreement is not expected to go through parliament as the convention has already been agreed in the French parliament. The draft was then submitted for examination to the French law Firm Carlara who raised a number of comments and suggestions. The proposed amendments to the draft HQ agreement were discussed with the Legal Department of the French Ministry of Europe and Foreign Affairs. After this meeting, a revised final version of the HQ agreement was agreed and was now under validation in the different French Ministries.

9.3 Informative note on the Staff rules

Christine Phillip indicated that the law firm Carlara was in charge of advising IALA on administrative procedures for the change of status and proposed 4 possible scenarios for the new staff rules of the new IGO.



Taking all the information into consideration, it appeared that scenario one which consists of remaining under the existing French social security system (for medical, social and retirement benefits) would be the most appropriate and flexible option. However, it would be necessary to include in the budget and in the new staff rules additional provisions for international allowances not covered by the French system but applicable to International civil servants.

10. PREPARATION FOR THE GENERAL ASSEMBLY

Input paper LAP23-10.1 refers.

The Maritime Buoyage System (MBS) was initially agreed in 1980. In 2017 it was decided to turn the MBS into a recommendation so it would be well included and referenced in the IALA documentation hierarchy. It was decided at the 19th IALA conference in Incheon that this recommendation should be presented at the future General Assemblies. The document has been reviewed by the PAP and the ARM committee and the

LAP was expected to provide advice on legal issues if needed. The mapping at the polar region, as a sensitive issue, was carefully considered as advised previously by the LAP. Mary Dean asked what was the purpose of the maps, and whether they would be only visual, illustrative or whether they would be guiding. The Secretary-General confirmed that the map was only illustrative. He reminded that countries had to declare whether they were region A or B, therefore the map is only reflecting these declarations. The chair and the vice-chair were of the view that it would be clearer to keep the lines on the map for clarity purposes.

Action item 3

The secretariat is requested to send the LAP suggestions on the draft MBS to PAP46.

11. REVIEW OF BASIC DOCUMENTS

Input paper LAP23-11.1 refers.

The chair, Christina Schneider, indicated that there were mostly editorial changes to fit the style guide. There was a more subsequent change in Terms of Reference for the committees. A paragraph was added regarding the intersessional work. The chair indicated that these terms of reference were discussed thoroughly between all the committee chairs during the PAP meetings.

Mary Dean suggested to slightly edit the wording in paragraph 3.3.2 for consistency purpose.

Action item 4

The Secretariat is requested to forward the updated Basic Documents to Council 75.

12. REVIEW OF THE IALA RISK REGISTER

Input paper LAP23-12.1 refers.

The Secretary-General stated that the risks to IALA are low. The association is in a stable financial situation. The risk due to the change of status was lowered as 51 states have signed the convention. The risk has been lowered from high to medium. It was added that work has been started with the French law firm as a mitigating measure.

Action item 5

The Secretariat is requested to update the IALA Risk Register to Council 75

13. REVIEW OF THE WWA RISK REGISTER

Input paper LAP23-13.1 refers.

The Dean of the World-Wide Academy, Omar Frits Eriksson, indicated that the risk landscape had not changed much since the last meeting as missions were still reduced due to the pandemic. The personal safety of the staff in missions is the only increased risk. There are more missions in risky areas. However, tools to ensure secure communication have been put in place, as per IMO guidance on safety measures. The increase in sponsorship remains a goal of the WWA in order to widen its activities in the world.

Action item 6

The Secretariat is requested to send the updated WWA Risk Register to Council 75.

14. ANY OTHER BUSINESS

The chair extended her deepest gratitude and best wishes to Mrs Virginia Marshall who will retire in April 2022 after many years at IALA. She thanked Virginia for the wonderful work she has done over many years and expressed how, as participants to IALA meetings, Virginia's work was really appreciated.

15. REVIEW OF OUTPUT AND WORKING PAPERS

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

16. REVIEW OF ACTION ITEMS

The list of action items is at Annex E.

17. DATE AND PLACE OF NEXT MEETING

The next LAP meeting (LAP24) is scheduled for October 11-12, 2022.

18. APPROVAL OF THE REPORT

The report of LAP23 was to be approved by correspondence.

Legal Advisory Panel

23rd Session

Agenda item 2

LAP 23-2

March 29 - 30, 2022

Video Conference

The 23rd meeting of the IALA **Legal Advisory Panel** will be held on 29th and 30th March 2022 on Microsoft Teams from 11:00 to 13:00 CEST (09:00 to 11:00 UTC) each day.

LAP 23 - PROVISIONAL AGENDA

(17-03-2022)

1. Welcome and introduction from LAP chair and Secretary General
2. Approval of the agenda
3. Review of action items from LAP 22
4. Review of input papers
5. Report of IALA Council 74
6. Report of PAP 44
7. Report of the last Committee session and ongoing developments
8. Review of Draft Standards
 - 8.1. Note on the revision of the standards
 - 8.2. S1010
 - 8.3. S1020
 - 8.4. S1030
 - 8.5. S1040
 - 8.6. S1050
 - 8.7. S1060
 - 8.8. S1070
 - 8.9. Structure of the Standards
9. IALA change of status
 - 9.1. Transition period

- 9.1.1. Use of the General Regulations mutatis mutandis
- 9.1.2. Advise on procedure (letter) to members of IALA to join the IGO
- 9.1.3. Advise on how to proceed with the development of the General Regulations for the IGO
- 9.2. Informative note on HQ agreement
- 9.3. Informative note on future staff rules

10. Preparation for the General Assembly 2023 (current IALA)

- 10.1. Revision of the MBS

11. Review of Basic Documents

- 11.1. General Regulations: changes according to the style guide and new TOR for the committees

12. Review of the IALA Risk Register

13. Review of the World-Wide Academy Risk Register

14. Any other business

15. Review of output and working papers

16. Review of Action items

17. Date and place of next meeting

18. Approval of the report

LAP Chair	Christina Schneider Federal Waterways and Shipping Agency Germany
LAP Vice-Chair	Henning Osnes Teigene Norwegian Coastal Administration
Australia	Mary Dean Australian Maritime Safety Authority Jessica Connolly Australian Maritime Safety Authority
Chile	Henry Arriagada DIRECTEMAR James Crawford DIRECTEMAR Carlos Martinez DIRECTEMAR Ivan Ioma DIRECTEMAR
Denmark	Kasper A.T. Jespersen Danish Maritime Authority
Egypt	Aboumandour MABROUK Egyptian Authority for Maritime Safety
Finland	Matti Eronen Finnish Transport Agency
Ireland	Maria O Connell Commissioners of Irish Lights
Italy	Paolo Florentino Italian Navy Piero Pellizzari Italian Coast Guard
Japan	Hideki Noguchi Japan Coast Guard
Netherlands	Maarten Berrevoets Ministry of Infrastructure and Water Management
Spain	Javier Martin Santo Domingo

Puertos del Estado

Sweden

Kerstin Hansdotter
Swedish Maritime Administration

United Kingdom

Thomas Arculus
Trinity House

IALA

Secretary-General
Francis Zachariae

Deputy Secretary-General / Dean WWA
Omar Frits Eriksson

Technical Operations Manager
Minsu Jeon

Finance and Administration Manager
Christine Phillip

Communication Officer
Audrey Guinault

Meeting	Agenda Item	Title / Author (if required)	Source	Output papers
LAP23-	2.1	Provisional Agenda	Secretariat	
LAP23-	3.1	Review of action items from LAP22	Secretariat	
LAP23-	4.1	Review of input papers	Secretariat	
LAP23-	5.1	Report of IALA Council 74	Secretariat	
LAP23-	6.1	Report of PAP 44	Secretariat	
LAP23-	8.1	Secretariat note on the revision of IALA Standards	Secretariat	
LAP23-	8.2	Draft revision of S1010	Secretariat	
LAP23-	8.3	Draft revision of S1020	Secretariat	
LAP23-	8.4	Draft revision of S1030	Secretariat	
LAP23-	8.5	Draft revision of S1040	Secretariat	
LAP23-	8.6	Draft revision of S1050	Secretariat	
LAP23-	8.7	Draft revision of S1060	Secretariat	
LAP23-	8.8	Draft revision of S1070	Secretariat	
LAP23-	8.9	Structure of the Standards	Secretariat	
LAP23-	9.1	Secretariat note on the transition period	Secretariat	
LAP23-	9.1.1	Annex1 – Transitional arrangements	Secretariat	
LAP23-	9.1.2	Annex2 – Transition plan	Secretariat	
LAP23-	9.1.3	Annex3 – Letter to members (2 late input papers)	Secretariat	
LAP23-	9.2	Informative note on HQ agreement	Secretariat	
LAP23-	9.3	Informative note on the future staff rules	Secretariat	
LAP23-	10.1.1	Liaison note on Draft IALA MBS	ARM	
LAP23-	10.1.2	The IALA MBS (late input paper)	ARM	
LAP23-	11.1.1	Secretariat note on the revision of the Basic Documents	Secretariat	
LAP23-	11.1.2	IALA Basic Documents	Secretariat	
LAP23-	12.1	IALA Risk Register	Secretariat	
LAP23-	13.1	Academy Risk Register	Secretariat	

ANNEX C LIST OF INPUT PAPERS

ANNEX D

LIST OF OUTPUT PAPERS

Meeting	No.	Title	Action
LAP23-	8.2	S1010	To PAP to consider
LAP23-	8.3	S1020	To PAP to consider
LAP23-	8.4	S1030	To PAP to consider
LAP23-	8.5	S1040	To PAP to consider
LAP23-	8.6	S1050	To PAP to consider
LAP23-	8.7	S1060	To PAP to consider
LAP23-	8.8	S1070	To PAP to consider
LAP23-	9.1.3(1)	Letter to National members	To Council to consider
LAP23-	9.1.3(2)	Letter to Industrial and Associate members	To Council to consider
LAP23-	10.1.2	Draft MBS	To PAP to consider
LAP23-	11.1.2	Basic Documents	To Council to consider
LAP23-	12.1	IALA Risk Register	To Council to consider
LAP23-	13.1	WWA Risk Register	To Council to consider

- 1. The Secretariat is requested to send the proposed changes to the Standards to PAP46.*
- 2. The Secretariat is requested to forward the draft letters on the procedure to join the IGO to Council for consideration.*
- 3. The Secretariat is requested to send the LAP suggestions on the draft MBS to PAP46.*
- 4. The Secretariat is requested to forward the updated Basic Documents to Council 75.*
- 5. The Secretariat is requested to send the updated IALA Risk Register to Council 75.*
- 6. The Secretariat is requested to send the updated WWA Risk Register to Council 75.*



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