



REPORT OF THE 24<sup>TH</sup> SESSION OF THE IALA  
LEGAL ADVISORY PANEL (LAP)

8-9 November 2022



**Report of the 24<sup>th</sup> session of the IALA  
Legal Advisory Panel (LAP)  
8-9 November, 2022  
Executive Summary**

The 24<sup>th</sup> session of the Legal Advisory Panel was held at IALA Headquarters and by video conference on 8-9 November 2022, with Christina Schneider as Chair, Henning Osnes Teigene as Vice-chair and Audrey Guinault as Secretary.

The LAP noted the reports from Council 75, PAP 45&46 and the last committee sessions.

The LAP was informed about the developments in the S-200 domain and the MASS task force.

The LAP was briefed on the change of status progress and the preparations for the General Assembly to be held in 2023.

The LAP agreed on a new general disclaimer for the IALA website and a disclaimer for publications.

The LAP considered the amendments made to the Basic Documents and the terms of reference for the IALA Disaster Recovery Fund.

There were 2 presentations made: the first one showed the legal implications of a collision case and the second one the legal implications for a bilateral VTS during the building of a tunnel between two countries.

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 24<sup>th</sup> session of the IALA**

## **Legal Advisory Panel (LAP)**

The 24<sup>th</sup> session of the Legal Advisory Panel was held at IALA Headquarters and by videoconference on 8 and 9 November 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 the participants for the first physical meeting post-pandemic. After a difficult period of time where meetings could only be held online, it was positive to be able to have hybrid meetings which combines physical and virtual attendance. This session would be the last until the General Assembly to be held in June 2023 as there was normally no meeting in the 6 months previous to the conference.

The Secretary-General also welcomed everyone and indicated that IALA's preferred mode of meeting was physical, however, it would, from now on, try to offer hybrid opportunities when possible. The 4 committees have met at IALA Headquarters in the past few months and there was hope that we would now be in the post-pandemic phase. He emphasized the efforts made by all the members and participants during the COVID period which allowed the work to progress in a manner that was quite unique to IALA. The number of members increased again and reached 335 at this point. He then encouraged the participants to register for the conference planned in Rio de Janeiro, Brazil from 27 May to 3 June 2023 as the programme seemed very promising under the theme 'Marine Aids to Navigation – Innovation for a Sustainable Future'.

### **2. APPROVAL OF THE AGENDA**

The Agenda (paper LAP24-2.1) was adopted.

The Agenda is provided at ANNEX A.

### **3. REVIEW OF ACTION ITEMS FROM LAP23**

Input paper LAP24-3.1 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 SESSION 75**

Input paper LAP24-5.1 refers.

Minsu Jeon, IALA Technical Operations Manager, introduced the main outcomes from the 75<sup>th</sup> session of the council meeting. He mentioned the new documents, the nomination of Homigot lighthouse in the Republic of Korea as Lighthouse of the Year 2022 and the new edition of the Documents Catalogue. He agreed to share his presentation with panel for easy reference. The presentation would be uploaded to the website amongst the input documents.

## 6. REPORT OF PAP SESSION 45 & 46

Input paper LAP24-6.1 refers.

The reports were noted.

## 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 9 main topics:

- IMSAS (submission from IALA to NCSR10)
- MASS task force (framework and roadmap)
- Cap Spartel lighthouse in Morocco was nominated as Heritage lighthouse of the year 2023
- Committee work programme 2023-2027
- Development of guideline on drones (LAP may be consulted at a later stage concerning possible legal implications)
- IHO, S-200 Development summary table
- IHO, Development and implementation of ECDIS
- Digital@Sea
- Upcoming events (Workshop on Digital Maritime Communication, Heritage Seminar, Conference)

The LAP noted the report.

Minsu also gave a presentation on S-200 Definitions and Implications as this domain would be very important in the next work programme. A timeline will be established for IALA to follow the developments. The presentation would also be made available to the panel in the input documents.

## 8. DEVELOPMENT OF A GENERAL DISCLAIMER FOR THE WEBSITE AND THE PUBLICATIONS

Input papers LA24-8.1 refers.

Following a liaison note received from PAP, it was identified that IALA may need to add a disclaimer on its website and publications.

The panel agreed that a disclaimer was needed for the website and discussed the different possible interpretations of the wording before agreement was reached. This new disclaimer protects IALA from liability in case of any misuse of the content provided on the website or in the publications.

The panel advised the committees to consider if specific documents or software would require a different disclaimer and to revert back to LAP for such cases.

### *Action item 1*

*The Secretariat is requested to send the proposed disclaimer back to PAP to consider and to inform the committees accordingly.*

## 9. STATUS OF THE MASS TASK FORCE

Maarten Berrevoets from the Netherlands informed the LAP of the progression of the MASS task force. He indicated that 4 meetings had taken place since the creation of the group and 2 more were scheduled before the conference in 2023. The task force proved to be a good solution to reinforce the cross committee cooperation on special topics like this. A draft guideline should be produced soon and the LAP would most likely be solicited to give a view on the possible legal implications. Maarten accepted to be the permanent representative of the LAP in the MASS task force.

The chair asked the panel if they had views on the topic which prompted interesting discussion about the possible legal implications of such developments. The LAP looked forward to see the progress on this topic and to advise on what IALA's role could be.

## **10. IALA CHANGE OF STATUS**

Input paper LAP24-10.1 refers.

The Secretary-General reminded the panel about the progress on the IGO status and the number of countries that had acceded, accepted or ratified the convention. He urged countries still in the process to try and push a bit to accelerate the results as much as possible. The panel was reminded of the proposed timeline for the transition period. The Secretary-General then explained that a conference will be conveyed in the 4<sup>th</sup> quarter of the year 2023 for the purpose of developing the general regulations of the new organization. National members, signatories and acceding countries would be invited to join the conference at the beginning of the year 2023. A first draft of the proposed general regulations based on the very mature draft circulated as an information paper to the Diplomatic Conference in Kuala Lumpur and adapted according to the final version of the convention will be circulated for comments prior to the conference.

## **11. PREPARATION OF THE GENERAL ASSEMBLY 2023**

Input paper LAP24-11.1 refers.

The Secretary-General gave an overview of the General Assembly 2023 preparation. He introduced the provisional agenda of the meeting with a number of items that the General Assembly would need to consider and to approve. The host in Brazil has planned for an electronic voting system which would be tested at the next council meeting. Regarding the election of the council, it was expected that there would be greater interest this time because of the advancement of the IGO process and the important role that the council would have during this period.

## **12. REVIEW OF BASIC DOCUMENTS**

Input paper LAP24-12.1 refers.

The Chair introduced the changes made to the documents. The first change was to the constitution Article 7.3, second bullet point. This was introduced to make sure that countries with more than one National member have only one vote when electing the new Council. This matter had been raised recently and it appeared necessary to clarify before any issue would happen. The second change was the introduction of a new article 7 "The conduct of meetings" in the General Regulations. This new article was introduced to allow meetings to be carried out on-line and use the experience gained during the pandemic. The panel slightly worked on the wording and agreed on a paragraph that would reflect the practice of conducting meetings in the best possible way.

### *Action item 2*

*The Secretariat is requested to forward the revised basic documents to PAP48 for consideration and then to Council 76 for approval.*

## **13. PRESENTATION ON THE LEGAL IMPLICATIONS AFTER A COLLISION**

Henning Osnes Teigene made a presentation about the legal implications after the collision of frigate Helge Ingstad and tanker Sola TS on 8<sup>th</sup> November 2018 in the Norwegian waters.

## **14. PRESENTATION ON THE FEHMARNBELT TUNNEL PROJECT FROM A LEGAL POINT OF VIEW**

Christina Schneider made a presentation about the The Fehmarnbelt tunnel project with a focus on the challenges in bringing a Danish-German VTS into operation from a legal point of view.

## 14. DISASTER RECOVERY FUND – DRAFT TERMS OF REFERENCE

The LAP reviewed the proposed text of the draft terms of reference for the Disaster Recovery Fund created after Council 75 approval. Prompted by a request initiated by Ukraine, the fund appeared as a necessity and Australia offered money to help Ukraine during the last Council meeting. IALA tried to find the best way to use the fund to help countries in need. Conscious that other disasters have happened in the world, IALA, through the WWA, could be able to offer assistance to help maintain the safety of navigation. The council agreed with the initiative but asked that terms of reference would be created for this fund to be able to work. The panel had a thorough discussion about the different paragraphs of the document and decided to change some of the wording to ensure that it would be comprehensive and exhaustive. Slight changes were made in the definition, procedure and audit parts.

There was a comment from DNO (Russia) as follows:

*«Add an aspect that should be taken into account in the decision-making process:*

*«the causes (reasons) of a disaster concerning the damage of infrastructure must be completed (eliminated)».*

*The explanation of our position: restoration of infrastructure before ending of man-made crisis is illogical. »*

There was no consensus in the panel to include the proposed changes from Russia, therefore it was not added to the final document.

### *Action item 3*

*The secretariat is requested to forward the IALA Disaster Recovery Fund – Terms of Reference to Council 76.*

## 15. REVIEW OF IALA RISK REGISTER

The Secretary-General indicated that the risks were still not very high. This was consistent with the IGO project being well underway and a treasury allowing 18 months of self sufficiency. There was a suggestion to keep the impact as equal instead of lowering it with the lowering of risks.

### *Action item 4*

*The Secretariat is requested to update the IALA Risk Register and forward it to Council 76.*

## 17. REVIEW OF THE WWA RISK REGISTER

The Secretary-General reaffirmed that the risks were still quite low and the highest risk remained the dependency on sponsorship. However, the main sponsor being on a three-year renewable contract lowered that risk a little bit.

### *Action item 5*

*The Secretariat is requested to send the updated WWA Risk Register to Council 76.*

## 18. ANY OTHER BUSINESS

## 19. REVIEW OF OUTPUT AND WORKING PAPERS

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

## 20. REVIEW OF ACTION ITEMS

The list of action items is at Annex E.



## **21. DATE AND PLACE OF NEXT MEETING**

LAP25 was scheduled to take place at IALA Headquarters from 11 to 12 October 2023.

## **22. APPROVAL OF THE REPORT**

The report of LAP24 was to be approved by correspondence.

**Twenty-fourth Meeting of the Legal Advisory Panel - LAP 24****Legal Advisory Panel****LAP 24-2**

24th Session

November 8-9, 2022

Agenda item 2

IALA Headquarters

The 24<sup>th</sup> meeting of the IALA **Legal Advisory Panel** will be held on 8<sup>th</sup> and 9<sup>th</sup> November 2022 from 9:30 to 17:00 at IALA Headquarters, 10 rue des Gaudines, Saint-Germain-en-Laye, France.

**LAP 24 - PROVISIONAL AGENDA  
(11-10-2022)**

1. Welcome and introduction from LAP chair and Secretary General
2. Approval of the agenda
3. Review of action items from LAP 23
4. Review of input papers
5. Report of IALA Council 75
6. Report of PAP 45 & 46
7. Report of the last Committee session and ongoing developments
8. Development of a general disclaimer for the website and the publications
9. Status of the MASS task force
10. IALA change of status
11. Preparation for the General Assembly 2023
12. Review of Basic Documents
13. Legal implications in relation to VTS etc. after the collision between tanker SOLA and Norwegian Frigate FRIDTJOF NANSEN (presentation)
14. The Fehmarnbelt tunnel project with a focus on the challenges in bringing a Danish-German VTS into operation from a legal point of view (presentation)
15. Disaster Recovery Fund – Draft Terms of Reference
16. Review of the IALA Risk Register
17. Review of the World-Wide Academy Risk Register
18. Any other business
19. Review of output and working papers
20. Review of action items
21. Date and place of next meeting

## 22. Approval of the report

### **ANNEX B      LIST OF PARTICIPANTS**

<b>LAP Chair</b>	Christina Schneider Federal Waterways and Shipping Agency Germany
<b>LAP Vice-Chair</b>	Henning Osnes Teigene Norwegian Coastal Administration
<b>Belgium</b>	Lynn Pauwels Agency for Maritime Services and Coast
<b>Denmark</b>	Kasper A.T. Jespersen Danish Maritime Authority
<b>Egypt</b>	Ahmed Khamis Egyptian Authority for Maritime Safety  Mohammed Mostafa Egyptian Authority for Maritime Safety
<b>Finland</b>	Matti Eronen Finnish Transport Infrastructure Agency
<b>Italy</b>	Pierro Pelizzari Direttore Marittimo del Veneto
<b>Netherlands</b>	Maarten Berrevoets Ministry of Infrastructure and Water Management
<b>Portugal</b>	Tiago Bennavente Direção de Faróis
<b>Russia</b>	Gennadii Nepomiluev Department of Navigation and Oceanography  Oleg Gaidai Department of Navigation and Oceanography
<b>Sweden</b>	Kerstin Hansdotter Swedish Maritime Administration
<b>United Kingdom</b>	Thomas Arculus Trinity House
<b>IALA</b>	Secretary-General Francis Zachariae  Technical Operations Manager Minsu Jeon

Communication Officer  
Audrey Guinault

**ANNEX C LIST OF INPUT PAPERS**

Meeting	Agenda Item	Title / Author (if required)	Source	Output papers
LAP24-	2.1	Provisional Agenda	Secretariat	
LAP24-	3.1	Review of action items from LAP22	Secretariat	
LAP24-	4.1	Review of input papers	Secretariat	
LAP24-	8.1.1	Draft Disclaimer	Secretariat	
LAP24-	11.1	General Assembly 2023	Secretariat	
LAP24-	12.1.1	Secretariat note on the revision of the Basic Documents	Secretariat	
LAP24-	12.1.2	IALA Basic Documents	Secretariat	
LAP24-	15.1	Disaster Recovery Fund	Secretariat	
LAP24-	16.1	IALA Risk Register	Secretariat	
LAP24-	17.1	Academy Risk Register	Secretariat	

Meeting	No.	Title	Action
LAP24-	23.1	Liaison Note on a disclaimer for the IALA website and publications	To PAP to consider
LAP24-	24.1	Revised Basic Documents	To PAP to consider and Council to consider
LAP24-	25.1	Disaster Recovery Fund – Terms of Reference	To Council to consider
LAP24-	26.1	IALA Risk Register	To Council to consider
LAP24-	27.1	WWA Risk Register	To Council to consider

*Action item 1*

*The Secretariat is requested to send the proposed disclaimer back to PAP to consider and to inform the committees accordingly.*

*Action item 2*

*The Secretariat is requested to forward the revised basic documents to PAP48 for information and then to Council 76 for consideration.*

*Action item 3*

*The secretariat is requested to forward the IALA Disaster Recovery Fund – Terms of Reference to Council 76.*

*Action item 4*

*The Secretariat is requested to update the IALA Risk Register and forward it to Council 76.*

*Action item 5*

*The Secretariat is requested to send the updated WWA Risk Register to Council 76.*



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