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**CONVENTION ON FACILITATION OF INTERNATIONAL
MARITIME TRAFFIC, 1965**

Notification under article VIII

In accordance with the provisions of article VIII of the Convention on Facilitation of International Maritime Traffic, 1965, as amended, the Secretary-General has recently received the attached notification from the Government of Romania regarding differences between the provisions of European Community legislation and the Standards of the Convention.



ROMANIA * THE MINISTRY OF FOREIGN AFFAIRS

CONVENTION OF FACILITATION OF INTERNATIONAL MARITIME TRAFFIC, 1965

Notification under article VIII

The Ministry of Foreign Affairs of Romania presents its compliments to the Secretary-General of the International Maritime Organization and has the honour to refer to article VIII of Convention on Facilitation of International Maritime Traffic (the Convention), regarding the following differences between the provisions of Community legislation¹ and the Standards of the Convention listed below:

- **Standard 2.6.1** of the FAL Convention - incompatible with **Point 3.2.4** of **Annex VI** to the **Schengen Borders Code**
- **Standard 2.6.3** of the FAL Convention - incompatible with **Point 3.1.2** of **Annex VI** to the **Schengen Borders Code**
- **Standard 2.23** of the FAL Convention - incompatible with **Point 3.1.2** of **Annex VI** to the **Schengen Borders Code**
- **Standard 3.10** of the FAL Convention - incompatible with **Point 3** of **Annex VII** to the **Schengen Borders Code**

H.E. Efthimios Mitropoulos

Secretary-General of the International Maritime Organization

¹ Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 239, 22.9.2006, p.19); Regulation 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of a visa when crossing the external borders (OJ L 81 of 21.3.2001, p.1); Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105 of 13.4.2006)

- **Standard 3.10.2** of the FAL Convention - incompatible with **Article 5.1. a) of the Schengen Borders Code**

- **Standard 3.15** of the FAL Convention - incompatible with **Article 26 of the Schengen Convention**

- **Standard 3.21** of the FAL Convention - incompatible with **Point 3.1.2 of Annex VI of the Schengen Border Code**

- **Standard 3.45** of the FAL Convention is partially incompatible with **Regulation (EC) No 539/2001**. Romania, in accordance with the provisions of the existing Community legislation, exempts from the visa requirement seafarers going ashore in order to stay in the area of the port or in the adjacent municipalities. This exemption is not applied in cases where seafarers intend to stay outside the municipalities situated in the vicinity of the ports.

The Ministry of Foreign Affairs of Romania has the further honour to notify the Secretary-General that, in accordance with article VIII (1) of the Convention, Romania deems it necessary to maintain the above mentioned EC Law provisions and finds it therefore impracticable to comply with the corresponding Standards of the Convention, which have an important impact on border control procedures.

The Ministry of Foreign Affairs of Romania has the further honour to request that the Secretary-General, in accordance with article VIII(4) of the FAL Convention, inform the Contracting Governments of this notification.

The Ministry of Foreign Affairs of Romania avails itself of this opportunity to renew to the Secretary-General of the International Maritime Organization the assurances of its highest consideration.

21 March 2008

