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Ref. T2-MSS/2.11.1

MSC.1/Circ.1189  
30 May 2006

**INTERIM SCHEME FOR THE COMPLIANCE OF SPECIAL PURPOSE SHIPS  
WITH THE SPECIAL MEASURES TO ENHANCE MARITIME SECURITY**

1 The Maritime Safety Committee (the Committee), at its eighty-first session (10 to 19 May 2006), noted that in a number of cases special purpose ships, as defined in the Code of safety for special purpose ships<sup>1</sup>, of 500 gross tonnage and upwards engaged on international voyages were not required to comply with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code.

2 The Committee agreed that special purpose ships, other than those owned or operated by a SOLAS Contracting Government and used only on Government non-commercial service, of 500 gross tonnage and upwards engaged on international voyages and the port facilities which they serve them shall be required to comply with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code.

3 The Committee recognized that immediate compliance of the special purpose ships which had not been required to comply with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code would present practical difficulties and would affect the owners and the Companies operating such ships and the port facilities serving them. As a result the Committee adopted the Interim Scheme for the compliance of special purpose ships with the Special measures to enhance maritime security (the Interim Scheme) as set out at annex.

4 The Committee also agreed that the special purpose ships shall be subject to Control and compliance measures pursuant to the provisions of SOLAS regulation XI-2/9 and the term "ship" in the aforesaid regulation shall be construed as including also special purpose ships.

5 SOLAS Contracting Governments are invited to bring the Interim Scheme to the attention of owners and of Companies operating special purpose ships entitled to fly their flag as well as to the attention of Designated Authorities, port facility owners and operators and port facility security officers and to request the latter to respond positively when special purpose ships request the conclusion of a Declaration of Security.

6 SOLAS Contracting Governments, international organizations and non-governmental organizations with consultative status which encounter difficulties with the implementation of the Interim Scheme should bring, at the earliest opportunity, the matter to the attention of the Committee for consideration of actions to be taken.

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<sup>1</sup> Adopted by resolution A.534(13) as amended by MSC circulars 446, 478 and 739 and resolution MSC.183(79). MSC/Circ.739 included new amendments to the SPS Code and consolidates the ones adopted under cover of MSC circulars 446 and 478.



## ANNEX

**INTERIM SCHEME FOR THE COMPLIANCE OF  
SPECIAL PURPOSE SHIPS WITH THE  
SPECIAL MEASURES TO ENHANCE MARITIME SECURITY  
(adopted on 19 May 2006)**

The Maritime Safety Committee decided that:

- 1 For the purpose of this Scheme:
  - .1 “Gross tonnage” means the gross tonnage of the ship as determined under the provisions of the International Convention on the Tonnage Measurement of Ships, 1969 and shown on the International Tonnage Certificate (1969) of the ship;
  - .2 “Requirements” means the requirements of SOLAS chapter XI-2 and part A of the ISPS Code, taking into account the guidance given in part B of the ISPS Code;
  - .3 “Special purpose ship” means a special purpose ship as defined in the SPS Code, irrespective of the date on which the keel of the ship was laid, of 500 gross tonnage and upwards engaged on international voyage which has not been required by the Administration to comply with the Requirements; and
  - .4 “SPS Code” means the Code of Safety for Special Purpose Ships which is annexed to resolution A.534(13) as amended<sup>1</sup>.
- 2 Terms not otherwise defined in this Scheme shall have the same meaning as the meaning attributed to them in SOLAS chapters I and XI-2 or the ISPS Code.
- 3 Special purpose ships, other than those owned or operated by a SOLAS Contracting Government (Contracting Government) and used only on Government non-commercial service and Companies operating such ships which have not been required to comply with the Requirements shall comply with the Requirements by not later than 1 July 2008.
- 4 Until 30 June 2008, special purpose ships not complying with the Requirements whilst within a port facility which is required to comply with the Requirements shall acknowledge the measures to enhance maritime security established by the Contracting Government within whose territory the port facility is located and, irrespective of the provisions of SOLAS regulation XI-2/10.3<sup>2</sup> (relating to the submission of the Declaration of Security)

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<sup>1</sup> As amended by MSC circulars 446, 478 and 739 and resolution MSC.183(79). MSC/Circ. 739 included new amendments to the SPS Code and consolidates the ones adopted under cover of MSC circulars 446 and 478.

<sup>2</sup> This provision implies that neither the Contracting Government nor the port facility concerned have the right to decline the conclusion of a Declaration of Security when a special purpose ship makes a request to this end and that the ship is obliged to conclude one when it is requested to do so.

and sections A/5.1 and A/5.2 of the ISPS Code, shall request a Declaration of Security<sup>3</sup> as from 1 October 2006. Contracting Governments are urged to facilitate such requests and to issue appropriate guidance on this Scheme to port facilities located within their territories. If the port facility security officer refuses the request of the ship for a Declaration of Security then the special purpose ship shall use the Declaration of Security<sup>4</sup> to record the security measures that it has taken and shall complete and sign, on behalf of the ship alone, the Declaration of Security. If the special purpose ship does not have a designated ship security officer, the Declaration of Security shall be concluded by the master.

5 If an Administration has issued to a special purpose ship entitled to fly its flag a statement attesting that the ship is not required to comply with the Requirements, that statement shall be withdrawn and cancelled. An Administration may issue to a special purpose ship entitled to fly its flag, which it did not require to comply with the Requirements, a statement attesting that the ship is subject to the provisions of this Scheme.

6 Without prejudice to the provisions of SOLAS regulation XI-2/2.2 to XI-2/2.2.1, port facilities which have not been required by the Contracting Government within whose territory they are located to comply with the Requirements because they serve special purpose ships shall comply with the Requirements not later than 1 July 2008.

7 Special purpose ships which, on the date of adoption of this Scheme, were holding either a valid International or a valid Interim International Ship Security Certificate shall not be entitled to any benefits under this Scheme and shall maintain compliance with the Requirements. In addition, port facilities serving special purpose ships which on the date of adoption of this Scheme were implementing security measures in accordance with an approved port facility security plan shall not be entitled to any benefits under this Scheme and shall maintain compliance with the Requirements.

8 Contracting Governments when exercising control and compliance measures pursuant to the provisions of SOLAS regulation XI-2/9 in relation to special purpose ships shall adhere to the provisions of this Scheme<sup>5</sup>.

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<sup>3</sup> Paragraph B/16.56.2 of the ISPS Code recommends that the port facility security plan (PFSP) should establish details of the procedures and security measures the port facility should apply when it is interfacing with a ship to which the ISPS Code does not apply.

Paragraph B/16.57 of the ISPS Code recommends that the PFSP should establish the procedures to be followed when on the instructions of the Contracting Government the port facility security officer (PFSO) requests a Declaration of Security or when a Declaration of Security is requested by a ship.

If the approved PFSP already includes appropriate provisions to this end then those security measures and procedures should be applied unless the Contracting Government concerned decides otherwise. If the PFSP does not contain such provisions, then the PFSO should contact the authorities who approved the PFSP and the authorities responsible for the exercise of control and compliance measure pursuant to SOLAS regulation XI-2/9 and seek their advice and guidance.

<sup>4</sup> For the purposes of SOLAS regulation XI-2/9, it is recommended that special purpose ships to which this Scheme applies retain the Declarations of Security for the last ten ports of call. The ship should start retaining the Declarations of Security as from 1 October 2006.

<sup>5</sup> In the event of the ship being refused a Declaration of Security, Declarations of Security which have been completed and signed on behalf of the ship alone should be accepted as being equally valid to Declarations of Security concluded between a ship and a port facility.

9 Contracting Governments may, when implementing this Scheme, conclude written bilateral or multilateral agreements with other Contracting Governments on alternative security agreements covering special purpose ships operating on short international voyages between port facilities located within their territories. Any such agreement shall not compromise the level of security of other ships or of port facilities not covered by the agreement.

10 This Scheme shall cease to apply on 1 July 2008.

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