FPS MOBILITY AND TRANSPORT
DG SHIPPING

Belgian Maritime Inspectorate – Flagstate
Natiënkaai 5
8400 Oostende
BELGIUM
Ship.Belflag@mobilit.fgov.be

BMI-CMB Circular 2023/002

ISPS – Flagstate Interpretations and Procedures & Ship Security Plan

Date: 19-12-2023

To whom it may concern,

This circular is issued by the Belgian Maritime Inspectorate (BMI) in cooperation with the Maritime Security Unit (CMB: *Cel Maritieme Beveiliging*).

This BMI-CMB Circular integrates the BMI Circular 2004/002 ISPS – Flagstate Interpretations and Procedures and the BMI Circular 2011/002 Amendments to the Ship Security Plan (SSP). It enters into force 1 January 2024.

This circular applies to all Belgian ships to which SOLAS Chapter XI-2, as amended, and/or EU Regulation 725/2004 on enhancing ship and port facility security, as amended, apply. Reference is also made to the chapter on security in the Belgian Shipping Code and its implementing acts.

This circular is addressed to the Companies of Belgian ships and to Belgian Recognised Organisations. Company is defined in SOLAS, Regulation XI-2/1.7.

Please note that all issues related to port facility security issues are excluded from this circular.

I. Legislation

This circular contains interpretations and procedures issued by the Belgian Maritime Inspectorate (BMI) for the implementation of SOLAS Chapter XI-2 and the ISPS code on Belgian ships.

SOLAS Chapter XI-2 has made ISPS Code Part A mandatory in its entirety.

Article 3.5 EU Regulation 725/2004 on enhancing ship and port facility security enlists the paragraphs of Part B of the ISPS Code which have acquired a mandatory character.

Articles 2.5.2.55 and 2.5.2.56 of the Belgian Shipping Code have made paragraph 8 and 9 of Part B of the ISPS Code mandatory in their entirety. As a consequence the Ship Security Assessment and the Ship Security Plan must comply with the guidelines of ISPS B/8 and these of ISPS B/9 respectively. This has to be done:

- For ships joining the Belgian flag (newbuildings as well as existing vessels) on or after 1/7/2024: upon registration,
- For ships already flying the Belgian flag before 1/7/2024: no later than first ISPS renewal audit on or after 1/07/2024.

II. Recognised Security Organisation

A. Authorization of RSO

Only a Belgian Recognised Organisation (RO) is authorized to act as a Recognised Security Organisation (RSO) on Belgian ships. Reference is made to the articles 2.2.3.15, 2.5.2.56 and 2.5.2.69, § 2 of the Belgian Shipping Code. The list of Belgian Recognised Organisations can be found via on our website[1]. The Company is free to choose any RO from the above-mentioned list to act as RSO.

In accordance with part B.4.3 of the ISPS Code, the BMI authorizes the RSO to carry out the following activities:

- Review and approval of Ship Security Plans (SSP), or amendments thereto, on behalf of the Kingdom of Belgium.
- Verification of compliance of ships with the requirements listed under 'I. Legislation' on behalf of the Kingdom of Belgium.

B. RSO auditors

Upon request of the BMI, each RSO shall provide a list of the auditors within the RSO who are authorized to carry out the verifications of the SSP as well as the verifications onboard, on behalf of the Kingdom of Belgium as is stated in article 11.2 of the Working Agreement.

RSO auditors should be able to provide the following documentation when carrying out an SSP review at the Company and/or when carrying out verifications on board ships:

- Valid passport,
- Evidence of being in the service of the RSO (RSO ID card or declaration from the RSO statement),
- Evidence of ISPS authorization (trained, qualified and authorized in accordance with the latest version of IACS Procedural Requirement 10 (PR10) to conduct SSP approvals and audits).

If there are any doubts about the identity of a person who claims to be an RSO auditor, the RSO concerned must be contacted.

III. Ship Security Plan

A. Preparation and approval of the Ship Security Plan

In accordance with the ISPS Code, the Company should prepare a Ship Security Plan (SSP) and a Ship Security Assessment (SSA).

The entire paragraph 8 (SSA) and the entire paragraph 9 (SSP) of Part B of the ISPS Code have been made mandatory by the Belgian Shipping Code. The RSO must ensure that the Ship Security Plan complies with these requirements. It must be implemented:

- For ships joining the Belgian flag (newbuildings as well as existing vessels) on or after 1/7/2024: upon registration,
- For ships already flying the Belgian flag before 1/7/2024: no later than first ISPS renewal audit on or after 1/07/2024.

The SSP and SSA may be prepared by an RSO, selected by the Company. The review and approval of the SSP shall not be carried out by the same RSO who has been involved in the preparation of the SSP or SSA.

Documents from the ISM system may be accepted as annexes to the SSP during approval of the SSP as there is no need for duplication of documents. When referring to an ISM document, it should be clearly identified. This shall include reference to its version number. When the SSP and SSA have been completed, the Company should submit the SSP and the report of the SSA to the RSO (designated for review and approval) for approval. The BMI does not need to be notified separately.

[1] https://mobilit.belgium.be/nl/scheepvaart/erkende-bedrijven-en-instellingen/classificatiemaatschappijen

It is to be noted that an SSP cannot be approved before the date of the registration of the ship.

Once the SSP has been approved, the RSO will issue a 'approval letter' and validate all pages of the approved SSP. In this approval letter the RSO must always explicitly state as minimum that the following :

In approving the ship security plan, it was ensured that in accordance with ISPS Code A/9.4 the following requirements were applied: - Paragraphs 8 and 9 of Part B of the ISPS Code, made mandatory by articles 2.5.2.55 and 2.5.2.56 of the Belgian Shipping Code, - Paragraphs of Part B of the ISPS Code made mandatory by article 3.5 of EU Regulation 725/2004.

The RSO shall send a copy of the approval letter to the BMI.

BMI reserves the right to fully review the SSP and to make comments which may result in changes to the SSP.

For security reasons, the BMI will not retain a copy of the SSP. The SSP should be readily available at the Company at any time. The Company must be able to produce a copy of the SSP immediately upon request by an authorized person of the BMI.

B. Amendments to the Ship Security Plan

1. Amendments requiring re-approval

It is of the utmost importance that security-related information is updated as soon as any changes occur.

The attached table in the Annex contains the amendments which **in any case** require the re-approval of the SSP by the RSO and the method by which the assessment needs to be carried out.

Minor editorial changes to the SSP, including changes to the document control system, do **not require a re-approval** of the SSP or the re-issue of an approval letter. These may include the following:

- Changes to telephone numbers relating to the handling of security incidents on board ships flying the Belgian flag;
- Changes to addresses in connection with the handling of security incidents on board ships flying the Belgian flag;
- Changes in the name of the Company Security Officer and/or his deputy;
- Changes and updates to existing ISM documents (as an ISM document referred to in the SSP should be clearly identified and include its version number) and provided that the change or update to the ISM document does not affect the content of the SSP.
- Changes to the format of the checklists.

It should be noted that when the **name of a ship is changed**, a new approval letter must be issued bearing the correct name of the ship. A re-approval of the SSP is not required if the issue of the approval letter is only due to the change of name.

2. Approval by the RSO

Any amendment of an approved procedure, Ship Security Plan (SSP) and/or security equipment, shall be notified to the RSO (who approved the SSP).

The RSO will decide on a case-by-case basis whether:

- The amendment(s) can be implemented, and if so, under what circumstances. Any amendment should provide at least equal or higher security level; and
- The amendment is acceptable without re-verification or whether further verification is required.

Upon completion of the re-approval of the SSP, the RSO should reissue the approval letter and send a copy of this approval letter to the BMI. As is stated before, in this 'approval letter', the RSO must explicitly state that the requirements of Paragraph 8 and 9 of Part B of the ISPS Code have been met in the SSP.

3. Approval by the BMI

Although the RSO may decide whether an amendment can be implemented or whether re-approval of the SSP is required prior to implementation, taking into account the requirements of this circular, the BMI reserves the right to take this decision itself. In this case the RSO will be informed accordingly.

In the event of amendments other than editorial changes (for more information: see B.1. Amendments requiring re-approval), a copy of the approval letter must be sent to the Belgian Maritime Inspectorate via the following email address: Ship.Belflag@mobilit.fgov.be

C. Internal reviews / audits of Ship Security Plan

To comply with article B.1.12 and B.9.2.6 of the ISPS Code, the SSP must be reviewed/audited between two consecutive verifications or re-inspections at least once before an intermediate or renewal verification. The records about these activities shall be maintained. EU Regulation 725/2004 made article B.1.12 and B.9.2 mandatory.

If experiences gained from, for example, security drills, give cause to do so, the plan must be changed as soon as possible according to the existing procedure.

Actions and measures taken by Companies aimed at improving the compliance level and the degree of security awareness on-board their ships are encouraged by the BMI. The annual performance of internal audits can be of assistance in this respect. The "Self Assessment Questionnaire" developed by IMO and the EU can be a useful tool for these audits. This IMO Circular (MSC.1/Circ.1217, interim guidance on voluntary self-assessment by companies and company security officers (CSO's) for ship security) can be found via IMODOCS on www.imo.org.

D. Cyber security - Cross reference between the Ship Security Plan and the Safety Management System

Based on the following IMO, SOLAS and EU legislation, the SSA and SSP shall contain at least a reference to the SMS' cyber security procedures:

- SOLAS regulation XI-2/1.1.13
- IMO Resolution MSC.428(98) Maritime cyber risk management in safety management systems,
- IMO Circular MSC-FAL.1/Circ.3 Guidelines on maritime cyber risk management, as revised[2],
- EU Regulation 725/2004.

The BMI recognises that the required reapproval of the SSA and the SSP is a potential administrative burden for shipowners and RSOs. In view of this the BMI proposes that the Company Security Officer includes a cross reference to the Safety Management System's cyber security policy in the SSP and subsequently issues a declaration to this effect. Subject declaration should be available on board.

The cross-reference in the SSP should then be verified by the RSO when ensuring that the SSP complies with the requirements of the entire paragraph 8 (SSA) and of the entire paragraph 9 (SSP) of Part B of the ISPS Code. The period within which this should be done is specified in section III. A.

[2] This IMO Circular can be found via IMODOCS on www.imo.org.

Reference is to be made to BMI Circular 2005/003 as revised. This BMI Circular can be found on our website.

IV. International Ship Security Certificate

A. General

The RSO carrying out the audit of the International Ship Security Certificate (ISSC) must be the same RSO who reviewed and approved the SSP.

The RSO authorized by the BMI may not impose higher requirements than those set out in part A of the ISPS Code and those set out in Part B of the ISPS Code made mandatory by EU Regulation 725/2004 and/or the Belgian Shipping Code. Reference is made to 'I. Legislation'.

The BMI's interpretation of any requirement shall prevail over that of the RSO. In the event of a dispute between the Company and the RSO, the Company should contact the BMI. The findings of the RSO will be considered as advice to the BMI.

B. Verification and certification

The level of delegation to the RSO for the audits and issuance related to the (interim-) ISSC is in accordance with the Work Matrix which can be found on our website.

In principle the BMI performs the interim audits and issues the corresponding certificates. The maximum validity of the interim certificate is 6 months.

If the BMI has performed the interim audit, the RSO is in principle authorized to perform the initial audits and to issue an ISSC valid for up to 5 months from the date of completion of the audit. The BMI issues the electronic full term certificate through Navicert. More information on Navicert can be found in BMI Circular 2021/002[3].

The maximum validity of the ISSC for Belgian flagged ships will be, in principle, 5 years unless otherwise specified. The BMI reserves the right to reduce the maximum validity or even to withdraw the certificate in specific cases.

In principle only one intermediate verification is to be carried out, it should take place between the second and third anniversary date of the ISSC. Anniversary date means the day and month of each year that corresponds to the date of expiry of the relevant document or certificate.

The RSO is in principle only authorized to perform the renewal audit when BMI has performed the intermediate audit. It is the **responsibility of the shipowner or company** to invite the correct party (BMI/RO).

Upon successful completion of a renewal audit, the RSO is authorized to endorse the existing certificate through our Navicert platform with a maximum validity of 5 months. When the BMI receives the report, the full term certificate will be issued by BMI.

C. Reporting of findings

The RSO or the BMI inspector shall provide the Company with a summary of the noted findings found during an audit. A copy of the summary and, if this is the case, the RSO's recommendation not to issue the ISSC shall be forwarded to the BMI.

The RSO remains responsible for the reporting of the findings. Follow-up of audits completed by the RSO remains the responsibility of the RSO.

[3] BMI Circulars can be found on our website: https://mobilit.belgium.be/nl/scheepvaart/zeescheepvaart/schip-onder-belgische-vlag/bmi-circulaires.

V. Ship Security Officer - Company Security Officer

The Ship Security Officer (SSO) and CSO must be able to perform the security related duties and responsibilities specified in article 11.2 and 12.2 of the ISPS Code. The RSO and/or the BMI inspector shall verify the knowledge and performance of the CSO and SSO during DOC audits and the verifications on board.

The BMI requests documentary evidence for SSO and CSO, from a third party institution, that training has been followed and that this training fulfils the requirements set in article 13.1 of part B of the ISPS Code.

Although mentioned in the SSP, the name and contact details of the CSO must also be formally transmitted to the BMI in a **separate message** to Ship.Belflag@mobilit.fgov.be.

Any subsequent change must immediately be notified.

VI. Ship Security Alert System

The performance of the Ship Security Alert System (SSAS) shall be in accordance with:

- IMO Resolution MSC.147(77) Adoption of the revised performance standards for a Ship Security Alert System,
- IMO Circular MSC/Circ.1072 Guidance on provision of the Ship Security Alert System, without limitations. This Circular can be found via IMODOCS on www.imo.org.

The hardware of the SSAS is subject to the radio tests (in connection with the Cargo Ship Safety Radio Certificate), e.g. testing of the performance when connected to the emergency power supply.

Notification to the MIK must be guaranteed in the case of a real alarm, as is stated in article 2.5.2.58 Belgian Shipping Code. The notification is optional in the case of a test alarm. The dedicated email address is mil@mik.be.

For more information on communication and notifications related to the use of the SSAS, reference is made to the applicable Circular 2018/002.

VII. Retaining documents

The “records” referred to in article 10 of part A of the ISPS Code and in paragraph 10 of Annex II, Part A of EU Regulation 725/2004 must be kept on board for a period of at least three years.

Each Declaration of Security (DoS) shall be kept on board for a period of minimum three years, as is stated in article 2.5.2.59 Belgian Shipping Code.

VIII. Contact

Any questions regarding ISPS and SSP may be directed to: Ship.BelFlag@mobilit.fgov.be

or the general address:

Belgian Maritime Inspectorate
Posthoflei 3-5
2600 Berchem
Belgium
Tel. +32 3 229 00 53

Annex: Amendments of SSP requiring the re-approval of the SSP by the RSO

Nr	Relevant part of the SSP	Approval
1	Procedure regarding the confirmation of a change in security level	**1**
2	Security measures taken at security level 2 and 3	**2***
3	Reporting of security incidents to CSO, Flagstate, Port- and Coastal state authorities.	**1**
4	Frequency of testing and calibration of security equipment	**1**
5	Drills and exercises, and security briefings	**1**
6	Verification (audits) of the security measures and SSP, including the frequency of the verifications	**1**
7	Review of the SSP	**1**
8	Records (which, how and where are they kept)	**1**
9	Procedures to prevent unauthorized access to the SSA, SSP and records	**1**
10	Identification of restricted areas	**2**
11	Protocols and other procedures to access the restricted areas	**1**
12	Procedure for the use of security equipment	**1**
13	Illumination of deck and access points	**2***
14	Procedures for watch keeping an access control at each security level	**1**
15	Arrangements with regard to security assistance from shore (such as patrol, guards…)	**1**
16	Maintenance procedures for security equipment	**1**
17	Ship Security Alert System (SSAS): all related issues such as type, location, activation points, receivers,…etc	**2**
18	For ships with a restricted sailing area a new SSA must be performed in case the ship is getting repositioned to a location which is not covered within the SSA.	**1**

Clarification on method of approval

1. Evaluation based on documentation
2. Evaluation based on documentation and verification on board

2*. Evaluation based on documentation, and as far as practical, verification on board