

Palau International Ship Registry



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MARINE NOTICE 228.1

To: RECOGNIZED ORGANIZATIONS, SHIPOWNERS, MANAGERS, OPERATORS, MASTERS, RECOGNIZED ORGANIZATIONS, AND FLAG STATE INSPECTORS

Subject: INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE (ISPS CODE)

1. Reference

- 1.1 SOLAS, 74/78 Chapter XI-2
- 1.2 International Ship and Port Facility Security Code (ISPS) Code Part A and B
- 1.3 IMO Circular MSC/Circ.1097, *Guidance Relating to the Implementation of SOLAS Chapter XI-2 and the ISPS Code*, dated 6 June 2003
- 1.4 Palau Maritime Regulations, Section 5.5 (h)

2. Purpose

- 2.1 This Notice provides the Palau International Ship Registry requirements, for the compliance of Palauan flagged vessels with the provisions of the International Ship and Port Facility Security Code (ISPS Code).

3. Applicability

- 3.1 This Marine Notice applies to all Palau registered vessels to which the ISPS Code applies including:
 - a. Passenger ships, including high-speed passenger craft
 - b. Cargo ships, including high-speed craft and commercial yachts of 500 GRT and upwards
 - c. Self-propelled mobile offshore drilling units capable of making international voyages unassisted and unescorted when underway and not on location
 - d. Port facilities serving such ships engaged on international voyages as described above.
- 3.2 The ISPS Code do not applies to:
 - a. Warships or naval auxiliaries
 - b. Cargo ships, including commercial yachts of less than 500 GRT
 - c. Ships not propelled by mechanical means
 - d. Private pleasure yacht not engaged in trade
 - e. Fishing vessels
 - f. Non self-propelled mobile offshore drilling unit



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4. General Information

- 4.1 The International Ship and Port Security Code (ISPS Code) was adopted on December 12th, 2002 at a Diplomatic Conference held at the International Maritime Organization (IMO). During this Conference, amendments to SOLAS 74 were also adopted. The ISPS Code and SOLAS amendments are a compilation of international maritime security measures that have a significant impact on the operation of a ship owners, ships, their operators, and the port facilities they call on.
- 4.2 The Regulation 4 of Chapter XI-2 made the ISPS Code mandatory for ships affected as of July 1st 2004. The Code is made up of two (2) parts. Part A is the mandatory portion of the Code, and Part B is the portion that is recommendatory in nature. Part B was created to provide guidance and information concerning how to implement Part A.

5. Definitions

- 5.1 **Company:** The owner of the ship or any other organization or person such as the manager, or the bareboat Charterer, who has assumed the responsibility for the operation of the ship from the ship owner and who assuming such responsibility, has agreed to do so in writing.
- 5.2 **Company Security Officer (CSO):** The person ashore designated by the Company to develop and revise the Ship Security Plan (SSP) and for liaison with the Ship Security Officer (SSO), Port Facility Security Officer (PFSO) and the Flag Administration.
- 5.3 **Contracting Government:** A Government signatory to SOLAS but for the main purpose of this Marine Notice is used more specifically to mean Port State country receiving a ship at a port facility.
- 5.4 **“Non-compliance”:** means non-fulfillment of a specified requirement or the subject matter is inappropriate for the ship
- 5.5 **Passenger Ship:** means any vessel over 100 gross registered tons, carrying more than 12 passengers for hire, which makes voyages lasting more than 24 hours of which any part is on the high seas



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- 5.6 **Port Facility Security Officer (PFSO):** The person at the Port Facility designated by the facility to be responsible for implementation of measures required by the ISPS Code.
- 5.7 **Port Facility Security Plan (PFSP):** A plan developed to ensure the application of measures designed to protect the port facility and ships, persons, cargo, cargo transport units and ship's stores within the port facility from the risks of a security incident.
- 5.8 **Recognized Security Organization (RSO):** An organization with appropriate expertise in security matters and with appropriate knowledge of ship and port operations authorized to carry out an assessment, or verification, or an approval or a certification activity, required by SOLAS Chapter XI-2 or by part A of the ISPS Code.
- 5.9 **Security Incident:** Any suspicious act or circumstance threatening the security of a ship, including pirates attack or armed robbery against ships.
- 5.10 **Security Level:** The qualification of the degree of risk that a security incident will be attempted or will occur.
- 5.11 **Security Level 1:** The level for which minimum appropriate protective and preventive security measures shall be maintained at all times.
- 5.12 **Security Level 2:** The level for which appropriate additional protective and preventive measures shall be maintained for a period of time as a result of heightened risk of a security incident.
- 5.13 **Security Level 3:** The level in which further specific protective and preventive measures shall be maintained for a period of time when a security incident is probably or imminent, although it may not be possible to identify the specific target.
- 5.14 **Ship Security Assessment (SSA):** The identification of the possible threats to key shipboard operations, existing security measures and weaknesses in the infrastructure, policies and procedures.
- 5.15 **Ship Security Plan (SSP):** A plan developed to ensure the application of measures onboard the ship designed to protect persons onboard, the cargo, cargo transport units, ship's store or the ship from the risks of a security incident.



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- 5.16 **Ship Security Officer (SSO):** The person on board the ship accountable to the Master, designated by the Company as responsible for the security of the ship, including implementation and maintenance of the SSP and for liaison with the Company Security Officer (CSO) and the Port Facility Security Officer (PFSO).
- 5.17 **Verification:** means the audit of the SSP and its implementation on a ship and associated procedures, checking the operational status of the SSAS and a representative sample of associated security and surveillance equipment and systems mentioned in the SSP.
6. Objectives of the ISPS Code
- 6.1 To establish an international framework involving co-operation between Contracting Governments, Government agencies, local administrations and the shipping and port industries to detect security threats and take preventive measures against security threats or incidents affecting ships or port facilities used in international trade;
- 6.2 To establish the respective roles and responsibilities of the Contracting Governments, Government agencies, local administrations and the shipping and port industries at the national and international level for ensuring maritime security;
- 6.3 To ensure the early and efficient collection and exchange of security-related information;
- 6.4 To provide a methodology for security assessments so as to have in place plans and procedures to react to changing security levels and situations; and
- 6.5 To ensure confidence that adequate and proportionate maritime security measures are in place.
7. Functional Requirements of the ISPS Code
- 7.1 Gathering and assessing information with respect to security threats and exchanging such information with appropriate Contracting Governments or authorities;
- 7.2 Requiring the maintenance of communication protocols for ships and port facilities;



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- 7.3 Preventing unauthorized access to ships, port facilities and their restricted areas;
 - 7.4 Preventing the introduction of unauthorized weapons, incendiary devices or explosives to ships or port facilities;
 - 7.5 Providing means for raising the alarm in reaction to security threats or security incidents;
 - 7.6 Requiring ship and port facility security plans based upon security assessments; and
 - 7.7 Requiring training, drills and exercises to ensure familiarity with security plans and procedures.
8. Voluntary Compliance
 - 8.1 Vessels not subject to mandatory compliance with the ISPS Code may do so voluntarily. It is highly recommended that cargo ships, including yachts engaged in trade, 300 or more but less than 500 gross tonnage (ITC 69) and mobile and immobile floating units, voluntarily comply.
9. U.S. Territorial Waters:
 - 9.1 Special security requirements are imposed for vessels trading within the U.S. Territorial Waters which greater than 100 GRT and therefore these vessels are subject to Part 104 of the USCG Final Rules. Such vessels should consider adopting the appropriate Alternative Security Plan provided by groups representing specialized marine sectors within the U.S.
10. International Safety Management (ISM) Code
 - 10.1 The Palau Ship Registry Administrator considers the ISPS Code has been and will continue to be an extension of the International Safety Management (ISM) Code and an integral part of emergency preparedness and compliance with international conventions in a Company's Safety Management System.
 - 10.2 Vessels that are not in compliance with the ISPS Code will be considered as a major non-conformity as defined in the ISM Code, resulting in the immediate withdrawal of the vessel's Safety Management Certificate (SMC) and ISSC, which will effectively prevent the ship from trading.



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10.3 Reinstatement of certification shall not occur until the vessel's RSO and, if the situation warrants, the Contracting Government or its Designated Authority of the coastal State under whose jurisdiction the vessel is located are able to advise Palau Ship Registry Administrator that they are satisfied with the vessel's compliance with the ISPS Code.

11. Recognized Security Organizations (RSO)

11.1 The Palau Ship Registry Administrator has authorized Recognized Organizations (ROs) to be authorized Recognized Security Organizations (RSOs) and has delegated to them by written agreement specific security related duties under Chapter XI-2.

11.2 A list of the authorized RSOs with contact points has been published in the Palau Ship Registry Administrator website and is kept updated.

11.3 A RSO may provide ISPS Code verification services to vessels for which the parent RO also provides ship statutory certification services and/or ISM Code certification, provided that, the ship safety management audits and security assessments are conducted separately, and in addition to, existing ship statutory certification and classification survey functions.

11.4 Companies choosing or interested in using the Palau Flag Security Auditors for audits, verification and certification of the ISPS Code as well as for the approval of Ship Security Plan should contact the Palau Ship Registry Administrator, Technical department at technical@palaureg.com for coordination.

12. Designation of Company Security Officer

12.1 The owner or operator of each vessel must provide the Palau Ship Registry Administrator with the name, address, telephone, fax, email, telex numbers and after office hours contact information of the individual(s) in their Company who have been designated as the Company Security Officer and Deputies through the Declaration forms and such forms are to be endorsed by Palau Ship Registry Administrator accordingly. The declaration should be sent via email to technical@palaureg.com

12.2 This information should also be included and updated as necessary in the Ship's Security plan.



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13. Selecting a Ship Security Officer

- 13.1 The Company should designate one of the senior officers onboard (such as Master, Chief Officer, Chief Engineer or 2nd Engineer) to perform the Ship Security Officer duties. The individual selected shall be trained to fulfill this duty. It is also recommended that more than one officer on each ship be trained to carry out SSO's duties taking into consideration trading area, and type and size of the ship.
- 13.2 The Ship Security Officer information should be forwarded to the Palau Ship Registry Administrator in a Declaration form to be endorsed accordingly. The Declaration should be sent to technical@palaureg.com
- 13.3 As part of the vulnerability assessment, the company should take into account any additional workload which may result from implementation of the SSP and ensure that the ship is sufficiently and effectively manned.

14. Ship Security Assessment

- 14.1 The CSO is responsible for satisfactory development of the SSA whether prepared by the company itself or a contracted organization. The SSA serves as a tool for development of a realistic SSP. It takes into account the unique operating environment of each individual ship, the ship's complement and duties, structural configuration and security enhancements.
- 14.2 The ISPS Code does not permit the SSA to be performed by the same RSO chosen by the Company to perform the Plan review, approval, verification and certification.
- 14.3 The CSO shall ensure that the SSA addresses at least those elements for an SSA as detailed in Part B, Section 8, of the Code, the conditions of operation of the vessel and internationally recognized best management practices to avoid, deter or delay acts of terrorism, piracy and armed robbery. Due to the potentially sensitive operational and security information contained therein, the SSA shall be protected from unauthorized disclosure.
- 14.4 At completion of the SSA, and approval by the Company, the CSO shall prepare a report consisting of how the assessment was conducted, a description of vulnerabilities found during the assessment and a description of countermeasures and management practices employed to address vulnerabilities.



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- 14.5 The SSA shall be sent, together with the SSP, to the RSO by a predetermined method to prevent unauthorized disclosure. The RSO shall review the SSA to ensure that each element required by the Code is satisfactorily addressed and is used as a reference for the SSP for the approval of the SSP.
15. Ship Security Plan (SSP)
- 15.1 The CSO is responsible for satisfactory development of the SSP whether prepared by the Company itself or a contracted organization. The SSP is developed from the information compiled in the SSA. It ensures application of measures onboard the ship designed to protect persons onboard, the cargo, cargo transport units, ship's stores or the ship from all manner of risks of security violations. Because of the potentially sensitive operational information contained therein, the SSP shall be protected from unauthorized disclosure.
- 15.2 At completion of a new or substantially revised SSP, and approval by the Company, the CSO shall send the SSP, together with the SSA, for approval by the RSO, the RSO shall review the SSP to ensure that each element required by Part A, the relevant provisions of Part B of the Code and best management practices are satisfactorily addressed as well as all the vulnerabilities referenced in the SSA and upon satisfactory review shall be approved.
- 15.3 Copy of the approval letter issued by the RSO should be forwarded to Palau Ship Registry Administrator accordingly.
- 15.4 If the CSO decides to have the SSP approved directly by the Palau Ship Registry Administrator the plan together with the SSA should be forwarded to the Palau Ship Registry Administrator for approval. For information on the process of approval and fees contact the PISR Technical Department at technical@palaureg.com
16. Company Security Exercises
- 16.1 In accordance with the provisions of the ISPS Code companies should plan and conduct periodic security exercises to test the company's procedures for responding to security alerts and incidents. The Exercise required to be carried out at least once each calendar year with no more than 18 months between exercises.



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- 16.2 The exercise must test communications, company co-ordination, resource availability and response (ISPS Code B/13.7). Exercise participants may include the Flag Administration (represented by a Palau Flag State Surveyor), Port Facility Security Officer (PFSO) or coastal state authorities, Ship Security Officer (SSO), and the Company Security Officer (CSO) along with other shore based management of the vessel involved with security and/or emergency response.
- 16.3 The primary objective of the ISPS exercise should not simply be to comply with ISPS requirement, but also to ensure the continuous improvement of the company's and ship's emergency preparedness and the ability to respond in security situations.
- 16.4 The following records are suggested to be collected during the exercise:
- The date held and description of the Exercise scenario.
 - Times of key communications, including initial exercise (Ship/Shore) Notification issued by the Master/ SSO or the CSO.
 - List of all participants.
 - Copy of the Crew List at the time of the security drill, if applicable.
 - All correspondence between the vessel and various shore authorities / companies involved in the exercise.
 - Any other documentation and/or photographs considered relevant.
 - An evaluation of the exercise by the SSO & Master forwarded to the CSO.
 - The CSO should review and evaluate the Master's report and make his recommendations including lessons learned and improvements to the SSP.

17. Interim ISSC Certificate

- 17.1 An Interim ISSC shall be issued by the RSO on behalf of the Palau Ship Registry Administrator for a period of no longer than six (6) months for the purposes of:
- A ship without a Certificate, on delivery or prior to its entry or re-entry into service;
 - The transfer of a ship from the flag of a Contracting Government to Palau Flag;
 - The transfer of a ship to Palau Flag from a State which is not a Contracting Government; or
 - A Company assuming the responsibility for the operation of a ship not previously operated by that Company.
- 17.2 Before an Interim Certificate may be issued, the RSO or the Flag State Inspector must find that:



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- a. An SSA has been completed;
 - b. A copy of the SSP is provided on board, has been submitted for review and approval, and is being implemented;
 - c. The ship is provided with a compliant SSAS; The CSO has ensured the review of the SSP for compliance, submitted for approval, and is being implemented.
 - d. The CSO has established the necessary arrangements, including that for drills, exercises and internal audits, through which the CSO is satisfied that the ship will successfully complete the required verification in accordance with Part A, Section 19.1.1.1, within six (6) months;
 - e. The CSO has made arrangements for carrying out the required verifications under Part A, Section 19.1.1.1;
 - f. The Master, the SSO and other ship's personnel with specific security duties are familiar with their duties and responsibilities, with the relevant SSP provisions, and are provided information in their working language and understand it; and
 - g. The SSO meets the qualifications requirements of the Code. 19.1.3
- 17.3 A ship that has obtained an Interim ISSC shall undergo an Initial Audit within the period of its validity after implementing the system onboard for not less than two (2) months.
- 17.4 A subsequent consecutive Interim ISSC shall not be issued to a ship if, in the judgment of the Palau Ship Registry Administrator or the RSO, the purpose of requesting such Certificate by the ship or Company is to avoid compliance with the ISPS Code beyond the period of the initial issue of an Interim Certificate.
18. International Ship Security Certificate: Initial Survey
- 18.1 The International Ship Security Certificate (ISSC) shall be issued by the RSO after the ship has successfully completed an Initial or Renewal verification audit in compliance with the applicable requirements of Chapter XI-2 and ISPS Code Parts A and relevant provisions of Part B. The original ISSC must remain onboard the vessel.
- 18.2 An ISSC shall only be issued when:
- a. The ship has an approved SSP;
 - b. All technical equipment specified in the SSP is 100% operational; and
 - c. There is sufficient objective evidence found to the satisfaction of the RSO or Palau Ship Registry Administrator through the verification audit that the ship is operating in accordance with the provisions of the approved SSP



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18.3 The ISSC shall normally be valid for a period of five (5) years from the date of the Initial Verification Audit and be subject to an Intermediate Audit between the second and third anniversary date. However, the period of validity may be shorter than five (5) years if so requested by the CSO.

18.4 Upon initial issue, the expiration date may be harmonized with the ship's SMC so that renewal and auditing may occur together.

19. Contact

19.1 For further questions, please do not hesitate to contact the Technical Department of the Palau Ship Registry Administrator at technical@palaureg.com

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