



Ref. T2-NAVSEC/2.11

MSC/Circ.1106
29 March 2004

IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE TO PORT FACILITIES

1 As the deadline for the implementation of the amendments to the Annex to the International Convention for the Safety of Life at Sea (SOLAS), 1974 and the International Ship and Port Facility Security (ISPS) Code comes closer, the need to intensify efforts to fully implement the security measures contained therein becomes more evident and all the more important. It is therefore imperative that urgent action is taken by all parties concerned (Governments, port authorities and the shipping industry) to ensure that chapter XI-2 and the ISPS Code are implemented widely and effectively without further delay. This need for action is further highlighted in Conference resolution 6; in MSC/Circ.1067 on "Early implementation of measures to enhance maritime security"; and in MSC/Circ.1104 on "Implementation of SOLAS chapter XI-2 and the ISPS Code".

2 However, the most recent surveys carried out by the Organization on the status of implementation of the security measures introduced by the SOLAS amendments and the ISPS Code raise concerns that not enough progress has been achieved so far to ensure meeting the 1 July 2004 implementation date. This has been reported by Governments and other interested parties (including industry organizations).

3 The data collated so far show that, in particular, port facilities are lagging behind in their efforts to achieve full compliance by that date. This raises the prospect of compliant ships not being able to call at port facilities lacking the requisite approved port facility security plan that meets the required standards, without endangering their own security compliance status. This, in turn, may have serious economic repercussions on ports after 1 July 2004 if ships do not serve such non-compliant port facilities out of concern that they may be subjected to control and compliance measures at subsequent ports.

4 Given that the primary purpose of the new measures is to protect shipping against terrorist attacks, the information received also gives rise to grave concern if, as a result of last minute bottlenecks, plans are approved and statements of compliance are issued hastily without proper verification that they achieve the required standards.

5 In view of the above, SOLAS Contracting Governments are once again invited to urge, in particular, their port authorities, maritime industry, relevant recognized security organizations, training institutions and all other parties concerned to expedite their efforts to protect the port and shipping industry against terrorism by taking action as soon as possible to ensure compliance with the requirements of SOLAS chapter XI-2 and the ISPS Code at as early a stage as possible. Additionally, Administrations are again invited to advise port facility operators in their countries to take appropriate steps to increase awareness of the potential dangers so that their personnel are extremely vigilant and alert to any security threat they may encounter or be suspicious of, in their ports or offshore terminals.

6 Pursuant to the foregoing, Member Governments are requested to advise the Organization of the current status of their implementation of the security measures required of their port facilities and to provide the Secretariat with appropriate progress reports in the run up to the 1 July entry-into-force date. Member Governments are again reminded of the mechanism for notifying compliance with SOLAS regulation XI-2/13 (on Communication of information), as described in Circular letter No. 2514 dated 8 December 2003 and Circular letter No. 2529 dated 12 February 2004 respectively.

7 Member Governments and international organizations are further invited to bring this circular to the attention of competent national Designated Authorities, Administrations and all other parties concerned and responsible for the implementation of IMO's maritime security measures.

8 This circular is issued following consultations between the Secretary-General and the Chairman of the Maritime Safety Committee.
