



Circular 2004/002

ISPS – Flagstate interpretations and procedures

Date: 19-03-2019

To whom it may concern,

This circular is required as a result of two events:

- The audit carried out by the European Commission on 30 and 31 March 2006 and the resulting audit-report dated 7 April 2006.
- The signing of the working agreement between the Directorate General of Maritime Transport and the recognized classification societies on 27 May 2006 and coming into force on 27 August 2006. This working agreement is, in accordance with EU Regulation 391/2009 and EU Directive 2009/15.

In annex an overview is enclosed containing interpretations and procedures towards the flagstate, required to implement the ISPS code on Belgian flagged ships. Please note that this circular excludes any port facility security issues.

Considering further development of the ISPS code by the different International Organisations, this circular remains subject to changes. Any amendment will be notified by a subsequent circular.

ANNEX

Within the Federal Public Service Mobility and Transport the supervision of the ship security is the responsibility of the Belgian Maritime Inspectorate (BMI). BMI is authorised to take autonomous decisions regarding most of the ship security issues.

Any questions regarding ISPS 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

Recognized organisations (RSO)

In accordance with the ISPS code part B 4.3, BMI authorises the Recognized Security Organisation to perform 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 of SOLAS chapter XI-2 and Part A of the ISPS code on behalf of the Kingdom of Belgium.

One RSO may advise and assist in the preparation of the Ship Security Assessment or Plan, however, doing so, the same RSO is not authorised to approve that Ship Security Plan.

BMI will supervise the performance of the RSO by randomly reviewing Ship Security Plans and by attending selected SSP-audits or verifications.

In accordance with the working agreement, following classification societies are authorised to act as Recognized Security Organisations (RSO):

- American Bureau of Shipping (ABS),
- Bureau Veritas Marine & Offshore SAS (BV),
- DNV GL AS
- Lloyd's Register Group Ltd (LR),
- Nippon Kaiji Kyokai General Incorporated Foundation (Class NK),
- Russian Maritime Register of Shipping (RS),
- RINA Services S.p.A.

The shipping company¹ may freely select any classification society on the above mentioned list, to act as RSO. The RSO may be different from the classification society assigned for ISM or the issue of the "hull" and "machinery" certificates.

¹ "Shipping company" means the owner, operator, management company who has assumed the responsibility of implementing and keeping the standards of security on board its ships.

RSO auditors

Each RSO should forward to BMI, a list of the auditors within the RSO, who are assigned to perform the verifications, both for the SSP and on board, on behalf of the Kingdom of Belgium. Only the persons mentioned in this list will be authorised to perform the earlier mentioned verifications. It is the responsibility of the RSO to inform BMI of any changes in the above mentioned list.

RSO-auditors should, when doing a SSP review at the shipping company and when doing verifications onboard, be able to present following documentation:

- Valid passport
- Evidence of being in service of the RSO (RSO-ID pass or declaration from the RSO)
- Evidence of being authorised for ISPS (in accordance with IACS PR 25)

Ship Security Plan (SSP)

In accordance with the ISPS-code, the shipping company should prepare a SSP and a ship security assessment (SSA). The SSP should include at least the issues mentioned in article 9.4 of part A of the ISPS-code.

The preparation of the SSP and SSA may be performed by a RSO, chosen by the shipping company. The review and approval of the SSP cannot be performed by the same RSO who has been involved in the preparation of the SSP or SSA.

When the SSP and SSA has been finalised, the shipping company should submit the SSP and the report of the SSA to the RSO (assigned for the review and approval) for approval. BMI does need not to be informed separately.

Once the SSP has been approved, the RSO issues a "letter of approval" and validates all pages of the approved SSP. The RSO shall forward the letter of approval to BMI for endorsement, to which BMI returns the endorsed letter of approval to the RSO. The countersigned letter of approval shall be put in the SSP on board the vessel.

BMI reserves the right to fully review the SSP and issue remarks which could result in amendments of the SSP. For security reasons, BMI will not keep any copy of the SSP for shipping. However the SSP should be readably available at the shipping company at any time. Upon request of an authorised person of BMI the shipping company must be able to present instantly any given SSP.

On the other hand, BMI will keep one copy of the SSP for shipping companies based outside Belgium. This may be either a hard copy or an electronic version.

Amendment of the Ship Security Plan

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

The RSO, decides in each case if this amendment is permitted without a new verification, or that further inspection is required.

BMI Circular 2011/002 gives clarification on approval of amendments to the Ship Security Plan.

International Ship Security Certificate (ISSC)

The extent of delegations to the RSO for the issue and verifications related to the International Ship Security Certificate is in accordance with the Work Matrix, Table IV, 1.30 and 1.31.

The maximum validity of the ISSC for Belgian flagged vessels will be, in principle, 5 years unless expressed otherwise (see Security Alert System). BMI reserves the right, in specific cases, to reduce the maximum validity or even withdraw the certificate.

The RSO performing the verification must be the same RSO who has performed the review and approval of the SSP.

The RSO, authorised by BMI, may not impose higher requirements than those stated in:

- part A of the ISPS-code
- paragraphs 8.1 to 13.8 of part B of the ISPS-code (agreed by the Maritime Security Working Group MSWG)
- the articles from part B of the ISPS-code in accordance with the EU-regulation 725/2004/EU, as amended.

The interpretation by BMI of any requirement overrules the interpretation made by the RSO. In case of any conflict between the shipping company and the RSO, the shipping company should contact BMI. The findings of the RSO will be considered as advice to BMI.

Interim International Ship Security Certificate

The extent of delegations to the RSO for the issue and verifications related to the Interim International Ship Security Certificate is in accordance with the Work Matrix, Table IV, 1.29.

Reporting of non-conformities

The RSO provides the shipping company a summary of the noted non-conformities, resulting from the initial verification. A copy of the summary and the recommendation from the RSO to not issue the ISSC are to be forwarded to BMI.

The concerned shipping company should within a period of maximum 2 months, from the date of the initial verification, rectify all noted non-conformities. After rectification, a new verification should take place, however the scope of the verification shall be limited to the noted non-conformities. This new verification should be performed by the same RSO who has noted the non-conformities.

The report of the new verification and the recommendations by the RSO should be forwarded as soon as possible to BMI.

If the shipping company does not rectify all deficiencies within above mentioned period of 2 months, a full initial verification should take place.

Training Ship Security Officer (SSO) / Company Security Officer (CSO)

To this date, the STCW 78 Convention, as amended in 1995 has not incorporated the standards of training for SSO and CSO. Therefore, meanwhile, officially BMI will not certify or endorse any training course for SSO or CSO.

The 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 shall verify the knowledge and performance of the CSO an SSO during the approval of the SSP and verifications on board.

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 be formally transmitted to BMI in a separate message, any subsequent change must immediately be notified.

Ship Security Alert Systems (SSAS)

The performance of the SSAS shall be in accordance with:

- Resolution MSC.147 (77),
- MSC/Circ.1072 without restrictions.

The hardware belonging to the SSAS is subject to the radio-inspections (related to the Cargo Ship Safety Radio Certificate), for example the check on performance when connected to the emergency power.

Records

“Records” as specified in article 10 of part A of the ISPS shall be kept on board for a period of minimum 3 years.

Declaration of Security (DoS)

Each Declaration of Security shall be kept on board for a period of minimum 3 years.

Continuous Synopsis Record (CSR)

The Continuous Synopsis Record (CSR) will be issued exclusively by BMI. The format of the CSR and the procedure to be followed is mentioned in the BMI circular 2004/005.