

Subject

Amendments to the SOLAS Convention relating to the
Maritime Security Measures (Part 5)
(Guidance for the implementation)

ClassNK

Technical Information

No. TEC-0541
Date 8 August 2003

To whom it may concern

With regard to the outcome of the IMO's Maritime Safety Committee at its seventy-seventh session (MSC 77), matters relevant to amendments to the SOLAS Convention concerning maritime security measures have been advised in earlier ClassNK Technical Information No. TEC-0536. Following the decision taken at MSC 77, an MSC Circular, MSC/Circ.1097 "Guidance relating to the implementation of SOLAS Chapter XI-2 and the ISPS Code" has been circulated. The summary of the circular is given hereunder, where some of the decisions introduced in ClassNK Technical Information No. TEC-0536 have been re-produced.

1. Mobile and immobile floating units

Application to FSU(Floating Storage Units), FPSO (Floating Production, Storage And Offloading Units)

The ISPS Code clearly indicates that the code applies to the Mobile Offshore Drilling Units (MODU). However, Advice was sought on the position of floating production, storage and offloading units (FPSOs), floating storage units (FSUs) and single buoy moorings (SBMs). As a result of discussion:

- (1) It was confirmed that FSU and FPSO are not subject to ISPS Code application, however, some sort of security measures must be implemented to guarantee the security of the ships interfacing with them.
- (2) It was concluded that such units, when attached to a fixed platform, should be covered by the security regime in force for the platform.
- (3) Such units, when engaged in periodic short voyages between the platform and the coastal State, should not be considered to be ships engaged on international voyages
- (4) The Committee also agreed that single buoy moorings (SBMs), attached to an offshore facility would be covered by that facility's security regime and if it was connected to a port facility it would be covered by the port facility security plan (PFSP).

(To be continued)

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2. International Ship Security Certificates (ISSC)

- (1) It was recognized that part B of the ISPS Code was albeit recommendatory, a process all parties concerned needed to go through in order to comply with part A. It was concluded that paragraph 9.4 of part A of the ISPS Code required that in order for an ISSC to be issued, the guidance in part B would need to be taken into account.
- (2) The Committee further specifically considered that an ISSC would not be issued unless paragraphs 8.1 to 13.8 of part B of the ISPS Code had been taken into account.

3. Issue of the International Ship Security Certificate

- (1) The Committee concluded that a Certificate should only be issued:
 - (i) when the ship has an approved ship security plan (SSP); and
 - (ii) there was objective evidence to the satisfaction of the Administration that the ship is operating in accordance with the provisions of the approved plan
- (2) Certificates should not be issued in cases where minor deviations. (i.e. ship shall always fully comply with approved ship security plan)

4. Subsequent failures or suspensions

- (1) After issuance of the certificate, if there is a non-compliance which compromises the ship's ability operate at security levels 1 to 3, immediately, if such non-compliance does not compromise the ship's ability operate at security levels 1 to 3, without delay, such a non-compliance is to be reported to flag Administration or Recognised Security Organization which issued the certificate. If the non-compliance compromises the ship's security ability, report shall be made together with any proposed remedial actions.
- (2) For the period during which action for rectification is being prepared, alternative security measures may be approved, however, if such an alternative security measure is not in place, the certificate will be withdrawn.
- (3) Company and Ship Security Officers and Administrations should be aware of the possible cumulative effect of individual failures or suspensions, which could impair the ship's ability to operate at security levels 1 to 3.

5. Records

The Committee underlined the importance of maintaining the records required under the ISPS Code.

(To be continued)

6. Training and Certification

- (1) It was agreed that as an interim measure, the ISSC (International Ship Security Certificate) would be accepted as prima facie evidence that training has been conducted in accordance with the ISPS Code.
- (2) The flag State was responsible for deciding how that training was to be conducted, and if any additional certification was required. It was anticipated that States would develop and introduce further measures after 1 July 2004, which may include the introduction of individual certificates or other documentary evidence of training. If a port State control inspection detected a lack of training, further action could be taken.

7. Reporting requirements and communication of information

The Committee agreed that it was essential that the information set out in regulation 13.1.1 to 13.1.5 of SOLAS chapter XI-2 was readily available to the international shipping community. Contracting Governments providing information to the Organization are, therefore, requested to confirm that they are content for the information provided under 13.1.1 to 13.1.5 to be passed by the Organization to a central source for dissemination to the worldwide shipping community.

8. Inspections Prior to Entering Port

SOLAS regulation XI-2/9.2.5 allows inspection of a ship, if the ship is in the territorial sea of the Contracting Government the port of which the ship intends to enter by that port State. With regard to the inspection envisaged by SOLAS regulation XI-2/9.2.5.3 the Committee, agreed that this kind of inspection would be expected to be undertaken normally when there was information / intelligence, usually received before arrival of the ship.

9. Immediate Threat

On the question of what was understood to be an immediate threat in regulation XI-2/9.3.3, the Committee agreed that this could cover two scenarios: firstly, that the ship did not comply with the provisions of SOLAS chapter XI-2 and part A of the ISPS Code and therefore was considered to be a threat, or secondly, as in paragraph 23 above, intelligence or other information had been received indicating that the ship posed an immediate threat or was under threat itself. The Committee recognized that there may be other scenarios where, under international law, Contracting Governments could take additional measures for national security or defence, even if a ship fully complied with SOLAS chapter XI-2 and part A of the ISPS Code.

(To be continued)

10. Responsibility for the exercise of Control Measures

With regard to the responsibility for control measures taken by the Contracting Governments, the Committee recognized that this might indeed differ from State to State, subject to the distribution of responsibilities to the various Government agencies of the country concerned. It was conceivable that all control measures would be undertaken by one control authority while, in other countries, traditional port State control would be conducted by PSC authorities and the security related additional control and compliance measures would be the responsibility of other designated authorities (i.e., immigration, police, navy, etc.).

11. Ship Identification number - IMO number

It was confirmed that the IMO number does include the prefix "IMO", i.e., seven digits with letter "IMO" as prefix.

12. Verification

At verification of compliance with the ISPS Code and SOLAS Chapter XI-2, on board ship, it was confirmed that 100% verification must be undertaken for the equipment, but sampling audits may be performed for the operational aspects.

13. Voluntary nature of reporting by ships intending to enter the Territorial Sea

The Committee clarified that, with regard to SOLAS regulation XI-2/7, ships operating in, or intending to enter the territorial seas would report to the relevant coastal State on a voluntary basis, triggered by the ship, and that this regulation did not establish a mandatory reporting system.

14. Declaration of Security (DOS) - Practical problem

It was confirmed that there would be a contact point at the port facility or on ships which are not subject to the ISPS Code application for conducting DOS.

For any questions about the above, please contact:

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