



Ref. T2-NAVSEC/2.11

MSC/Circ.1111

7 June 2004

**GUIDANCE RELATING TO THE IMPLEMENTATION OF  
SOLAS CHAPTER XI-2 AND THE ISPS CODE**

1 The Conference of Contracting Governments to the International Convention for the Safety of Life at Sea (SOLAS), 1974 (London, 9 to 12 December 2002), adopted amendments to the Annex to the Convention, as amended, in particular new chapter XI-2 on Special measures to enhance maritime security; and, the new International Code for the Security of Ships and Port Facilities (ISPS Code).

2 The Maritime Safety Committee, at its seventy-eighth session (12 to 21 May 2004), recognizing and considering the need for additional information to assist Contracting Governments and the industry with the implementation of, and compliance with new SOLAS chapter XI-2 and the ISPS Code, directed its Maritime Security Working Group to examine and provide additional guidance on specific aspects of the measures to enhance maritime security.

3 The guidance relating to the implementation of SOLAS chapter XI-2 and the ISPS Code, as approved by the Committee, is given at annex 1.

4 Reference is also made in this context to MSC/Circ.1097 on Guidance relating to the implementation of SOLAS chapter XI-2 and the ISPS Code.

5 The Committee, at its seventy-eighth session (12 to 21 May 2004), also adopted resolution MSC.159(78) on Interim guidance on control and compliance measures to enhance maritime security which is given at annex 2.

6 Member Governments and international organizations are invited to bring this circular to the attention of national Designated Authorities, Administrations and all parties concerned and responsible for the implementation of maritime security measures.

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## ANNEX 1

**GUIDANCE RELATING TO THE IMPLEMENTATION OF  
SOLAS CHAPTER XI-2 AND THE ISPS CODE****GENERAL**

1 The ensuing paragraphs are lifted from the report of the Maritime Security Working Group (MSC 78/WP.13 and Add.1) at MSC 78 and are considered to be of valuable guidance for the implementation of SOLAS chapter XI-2 and the ISPS Code on relevant topics.

**SECURITY MEASURES AND PROCEDURES TO BE APPLIED DURING SHIP/PORT INTERFACE WHEN  
EITHER THE SHIP OR THE PORT FACILITY DO NOT COMPLY WITH THE REQUIREMENTS OF  
SOLAS CHAPTER XI-2 AND OF THE ISPS CODE****Ships**

2 The Committee considered the security measures and procedures to be applied during ship/port interface when either the ship or the port facility do not comply with the requirements of chapter XI-2 and of the ISPS Code.

3 The Committee recalled paragraph B/9.51 of the ISPS Code which recommends that the ship security plan (SSP) should establish details of the procedures and security measures the ship should apply when:

- .1 it is at a port of a State which is not a Contracting Government;
- .2 it is interfacing with a ship to which the ISPS Code does not apply<sup>1</sup>;
- .3 it is interfacing with a fixed or floating platform or a mobile drilling unit on location; or
- .4 it is interfacing with a port or port facility which is not required to comply with chapter XI-2 and part A of the ISPS Code;

and thus considers that guidance, in this respect, is only required for those ships which have not already included appropriate provisions to this end in the approved SSP.

4 The Committee decided to recommend that in such cases, if the ship's approved SSP does not already include provisions as recommended in paragraph B/9.51 of the ISPS Code, the ship should attempt to conclude, if possible, a Declaration of Security or to take the following action:

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<sup>1</sup> Refer to further work by the International Maritime Organization pertaining to Enhancement of maritime security and to Establishment of appropriate measures to enhance the security of ships, port facilities, mobile offshore drilling units on location and fixed and floating platforms not covered by chapter XI-2 of the 1974 SOLAS Convention, adopted by the 2002 SOLAS Conference on Maritime Security by resolutions 3 and 7 respectively.

- .1 record the actions taken by the Company Security Officer (CSO) and/or Ship Security Officer (SSO) to establish contact with the Port Facility Security Officer (PFSO), and/or any other persons responsible for the security of the port, ship or platform being interfaced;
- .2 record the security measures and procedures put in place by the ship, bearing in mind the security level set by the Administration and any other available security-related information; and complete and sign, on behalf of the ship alone, a Declaration of Security;
- .3 implement and maintain the security measures and procedures set out in the Declaration of Security throughout the duration of the interface;
- .4 report the actions taken to the CSO and through the CSO to the Administration; and
- .5 request the CSO to inform the authorities responsible for the exercise of control and compliance measures (regulation XI-2/9) and the PFSO(s) at the next port(s) of call of the difficulties the ship experienced and of the actions the ship itself took.

5 The Committee recognized that a ship should be able to address most of the ship security activities required by section A/7 of the ISPS Code.

6 In addition the Committee recognized that on certain occasions and, in particular, when a ship is required to call at a port of a State which is not a Contracting Government, the ship may be unable to identify the person responsible for the security of that port or to conclude with such a person a Declaration of Security.

### **Security concerns**

7 The Committee also considered the case where a ship has concerns about the security of a port facility, which is supposed to operate in accordance with an approved Port Facility Security Plan (PFSP).

8 In this respect the Committee decided to draw the attention to the fact that certain of the security measures may be of a covert nature and may not be easily identified. Thus, the Committee recommended that the ship, as a first step, should contact the PFSO and discuss the matter.

9 The Committee recalled the provisions of paragraph B/4.16 of the ISPS Code and recommends that the procedure referred therein should be followed. If no remedial action is agreed between the Contracting Governments concerned, the Committee recommends that the ship, in the absence of any specific provisions to this end in the ship's approved SSP, may either request a Declaration of Security or should follow the steps outlined in paragraphs 3.1 to 3.4 above.

## **Port Facilities**

10 The Committee recalled paragraph B/16.56 of the ISPS Code which recommends that the PFSP should establish details of the procedures and security measures the port facility should apply when:

- .1 it is interfacing with a ship which has been at a port of a State which is not a Contracting Government;
- .2 it is interfacing with a ship to which the ISPS Code does not apply; and
- .3 it is interfacing with fixed or floating platforms or mobile offshore drilling units on location;

and thus considers that guidance, is only be required with respect to those port facilities which have not already included appropriate provisions to this end in the approved PFSP.

11 The Committee decided to recommend that as soon as the PFSO becomes aware of the intended arrival of a ship which is required to comply with the requirements of chapter XI-2 and of part A of the ISPS Code, which has been in a port of a non-Contracting Government, or of a ship which is flying the flag of a State which is not a Contracting Government, he/she should contact the authorities responsible for the exercise of control and compliance measure (regulation XI-2/9) and the authorities which approved the PFSP and seek their advice and guidance.

## **SHIP CONSTRUCTION, CONVERSION AND REPAIR YARDS**

12 Ship construction, conversion and repair yards (shipyards) are not specifically referred to in chapter XI-2 or the ISPS Code. However, they may be located adjacent to port facilities and their activities may have an impact on the security of such port facilities or on the security of ships using such port facilities. Shipyards may also interface with ships, which may be required to comply with the ISPS Code.

13 The designation of shipyards as distinct port facilities is a matter to be considered by the Contracting Government (or the Designated Authority) within whose territory the shipyard is located. The designation may depend on local circumstances and the result of the Port Facility Security Assessment (PFSA) of the shipyard itself or of the PFSA's relating to adjacent port facilities. If a shipyard is designated as a port facility a PFSO shall be appointed and the Contracting Government (or the Designated Authority) shall approve the shipyard's PFSP.

14 A ship under construction is not considered to be a ship, in the context of chapter XI-2 and of part A of the ISPS Code, until the relevant statutory certificates have been issued. This includes the preparation of the ship's Ship Security Assessment (SSA), the preparation and approval of the SSP, the verification of the implementation of the ship's security measures and procedures and the issue of the ship's International Ship Security Certificate (ISSC), or alternatively the verification of the requirements leading to the issue of an Interim ISSC.

15 When a ship is under construction, the security of the ship is the responsibility of the shipyard. Once the ship receives its ISSC (or Interim ISSC) the ship will have to comply with the provisions of its [approved] SSP. This may require the CSO and/or the SSO to discuss

security measures and procedures with the shipyard, irrespective of whether the shipyard has a PFSO or not. This may lead to an agreement on the respective responsibilities for security measures to protect the ship which in turn may involve the conclusion of a Declaration of Security.

16 The position of ships under conversion or repair will depend on the approach the ship's Administration takes regarding the suspension or revocation of the certificates of the ship, including the ISSC, and, in practice, the extent to which the ship's personnel remains on board and retains the capability to exercise their duties under the SSP. If the certificates of the ship, including the ISSC, are suspended or revoked, responsibility for the security of the ship would in practice rest with the shipyard and may require the conclusion of an agreement between the owner and the shipyard. If the nature of the repairs means that all, or part, of the shipboard personnel remains on board and the certificates of the ship, including the ISSC, have not been suspended or revoked, the sharing of security responsibilities between the ship and the shipyard will have to be agreed and this may involve the conclusion of a Declaration of Security.

17 The approach taken to the security of ships undertaking sea trials is the responsibility of the State whose flag the ship is flying at the time of its trials. Some form of security assessment should be undertaken in respect of the ship and security measures and procedures put in place for the duration of the trials to the satisfaction of the relevant State.

#### **FPSOs AND FSUs**

18 The Committee recalled that MSC 77 decided that neither of the two types of floating production, storage and offloading units (FPSOs) and floating storage units (FSUs), were ships subject to the provisions of SOLAS chapter XI-2 and of part A of the ISPS Code, but, however, they should have some security procedures in place to prevent "contamination" of ships and port facilities which are required to comply with the provisions of chapter XI-2 and of part A of the ISPS Code. This decision is reflected in paragraph 3 of MSC/Circ.1097 on Guidance relating to the implementation of SOLAS chapter XI-2 and the ISPS Code.

19 MSC/Circ.1097 offers no advice as to the specific security measures or procedures that should be taken by a ship which is required to comply the provisions of SOLAS chapter XI-2 and of part A of the ISPS Code (SOLAS ship) when such a ship is engaged in ship-to-ship activities with either an FPSO or an FSU. If a SOLAS ship interfaces with an FPSO or an FSU it is deemed to be equivalent to interfacing with a non-SOLAS ship. The SOLAS ship's Ship Security Plan should contain security measures and procedures covering such an interface as recommended in paragraph B/9.51 of the ISPS Code. This could include the conclusion of a Declaration of Security with the FPSO or FSU indicating the security measures each ship undertook during the interface.

20 As FPSOs and FSUs operate as part of offshore oil production facilities, it can be expected that the State on whose continental shelf or within whose Exclusive Economic Zone the activity is being undertaken will have developed appropriate security measures and procedures under its national law to protect its offshore activities.

21 Conference resolution 7, adopted by the 2002 SOLAS Conference, in operative paragraph 1, invites Contracting Governments to establish, as they may consider necessary, and to disseminate, as they deem fit, appropriate measures to enhance the security of ships and of port facilities other than those covered by SOLAS chapter XI-2. This invitation covers both FPSOs

and FSUs and Contracting Governments will be aware of the need to avoid contamination of SOLAS ships interfacing with such non-SOLAS ships.

**THE LAST 10 CALLS AT PORT FACILITIES**

22 The Committee agreed that the requirements under regulations XI-2/9.2.1.3, XI-2/9.2.1.4, XI-2/9.2.1.5 to keep records of past calls at port facilities and ship-to-ship activities commence on 1 July 2004 and only apply to calls made, or activities undertaken, on or after that date.

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**ANNEX 2****RESOLUTION MSC.159(78)  
(adopted on 21 May 2004)****INTERIM GUIDANCE ON  
CONTROL AND COMPLIANCE MEASURES  
TO ENHANCE MARITIME SECURITY**

THE MARITIME SAFETY COMMITTEE,

RECALLING that regulation XI-2/9 of the International Convention for the Safety of Life at Sea, 1974 (hereinafter referred to as the "Convention"), entitled Control and Compliance Measures, provides for the control of ships already in a port and for the control of ships intending to enter a port of another Contracting Government to the Convention,

RECALLING ALSO that the Conference of Contracting Governments to the Convention which adopted Special Measures to enhance Maritime Security has also adopted, on 12 December 2002, Conference resolution 3 which in operative paragraph 1(c) invited the Organization to consider the need and, if necessary, develop further guidance on control and compliance measures on aspects other than those already addressed in part B of the International Ship and Port Facility Security (ISPS) Code (hereinafter referred to as the "ISPS Code"),

ACKNOWLEDGING the need to supplement the guidance, which is presently provided in paragraphs B/4.29 to B/4.46 of the ISPS Code in relation to the exercise of control and compliance measures envisaged in regulation XI-2/9 of the Convention,

RECOGNIZING that the consistent, uniform and harmonized implementation of the control and compliance measures will contribute towards the enhancement of maritime security,

HAVING CONSIDERED the recommendations of the Sub-Committee on Flag State Implementation at its twelfth session,

1. ADOPTS the Interim Guidance on Control and Compliance Measures to enhance Maritime Security (hereinafter referred to as "the Interim Guidance") set out in the Annex to this resolution;
2. INVITES SOLAS Contracting Governments, when exercising control and compliance measures pursuant to the provisions of regulation XI-2/9 of the Convention to apply the aforementioned Interim Guidance;
3. URGES SOLAS Contracting Governments and the industry to submit to the Committee information, observations, comments and recommendations based on the practical experience to be gained through the application of the Interim Guidance;
4. AGREES to review and revise as necessary, at an appropriate time, the Interim Guidance in the light of the practical experience to be gained through its application.

## ANNEX

### **INTERIM GUIDANCE ON CONTROL AND COMPLIANCE MEASURES TO ENHANCE MARITIME SECURITY**

#### **CHAPTER 1**

#### **INTRODUCTION**

##### **PURPOSE**

1.1 This document is intended to provide basic guidance on the conduct of control and compliance measures, in accordance with the provisions of regulation XI-2/9 of the International Convention for the Safety of Life at Sea, 1974, as amended (hereinafter referred to as “SOLAS”), in order to afford consistency. It is also the goal of this document to assist in the recognition and rectification of perceived deficiencies in the ship’s security plan, its security equipment, its interface with the port facility, or the ship’s personnel. The impact of such perceived deficiencies on the ability of the ship to conform to its security plan and, where clear grounds exist for suspecting that such deficiencies exist, to provide guidance concerning the application of control and compliance measures for ships in port and for ships intending to enter ports.

1.2 Nothing in this Guidance prejudices Contracting Governments to SOLAS (hereinafter referred to as “Contracting Government”) from taking measures having a basis in, and consistent with, international law to ensure the safety or security of persons, ships, port facilities and other property in cases where the ship, although in compliance with SOLAS chapter XI-2 and part A of the International Ship and Port Facility Security Code (hereinafter referred to as the “ISPS Code”), is still considered to present an unacceptable security risk (ISPS Code paragraph B/4.34).

##### **APPLICATION**

1.3 This Guidance applies to the exercise of control and compliance measures in respect of ships that are required to comply with SOLAS chapter XI-2 and part A of the ISPS Code.

1.4 Contracting Governments should not give more favourable treatment to ships flying the flag of a State which is not a Contracting Government to SOLAS and not a Party to the 1988 SOLAS Protocol<sup>2</sup>. Accordingly, the requirements of SOLAS regulation XI-2/9, the guidance provided in part B of the ISPS Code and this Guidance should be applied to those ships, (paragraph B/4.45 of the ISPS Code).

##### **INTRODUCTION TO SOLAS REGULATION XI-2/9**

1.5 Under the provisions of SOLAS article I and chapter XI-2 and part A of the ISPS Code, Contracting Governments are responsible for promulgating laws and regulations and for taking other steps which may be necessary to give SOLAS chapter XI-2 and part A of the ISPS Code

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<sup>2</sup> Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974.

full and complete effect so as to ensure that, from the point of view of security, a ship fully complies with the applicable requirements.

1.6 SOLAS regulation XI-2/9 describes the control and compliance measures applicable to ships to which SOLAS chapter XI-2 applies. It is divided into three distinct sections: control of ships already in port; control of ships intending to enter a port of another Contracting Government; and additional provisions applicable to both situations (ISPS Code paragraph B/4.29).

1.7 SOLAS regulation XI-2/9.1, on control of ships in port, implements a system for the control of ships while in the port of another Contracting Government where duly authorized officers of that Contracting Government, have the right to go on board the ship to verify that the required International Ship Security Certificate (ISSC) or an Interim International Ship Security Certificate (Interim ISSC) is in proper order. Then, if there are clear grounds to believe the ship does not comply with the relevant regulations, control measures such as additional inspections or detention may be taken. This system corresponds to the port State control inspections envisaged in SOLAS regulation I/19. SOLAS regulation XI-2/9.1 builds on these provisions and allows for additional measures (including expulsion of a ship from a port to be taken as a control measure) when duly authorized officers have clear grounds for believing that a ship is in non-compliance with the requirements of SOLAS chapter XI-2 or part A of the ISPS Code. SOLAS regulation XI-2/9.3 describes the safeguards that promote fair and proportionate implementation of these additional measures (ISPS Code paragraph B/4.30).

1.8 SOLAS regulation XI-2/9.2 applies control measures to ensure compliance for ships intending to enter a port of another Contracting Government and introduces an entirely different concept of control within SOLAS chapter XI-2, applying to security only, available to a port State. Under this regulation measures may be implemented prior to the ship entering port, to better ensure security. Just as in SOLAS regulation XI-2/9.1, this additional control system is based on the concept of clear grounds for believing the ship does not comply with SOLAS chapter XI-2 or part A of the ISPS Code, and includes safeguards in SOLAS regulation XI-2/9.2.2 and XI-2/9.2.5 as well as in SOLAS regulation XI-2/9.3 (ISPS Code paragraph B/4.31).

1.9 The international law implications of SOLAS regulation XI-2/9 are particularly relevant, and the regulation should be implemented with SOLAS regulation XI-2/2.4 in mind, as the potential exists for situations where either measures will be taken which fall outside the scope of SOLAS chapter XI-2, or where rights of affected ships, outside SOLAS chapter XI-2, should be considered. Thus, SOLAS regulation XI-2/9 does not prejudice the Contracting Government from taking measures having a basis in, and consistent with, international law to ensure the safety or security of persons, ships, port facilities and other property in cases where the ship, although in compliance with SOLAS chapter XI-2 and part A of the ISPS Code, is still considered to present a security risk (ISPS Code paragraph B/4.34).

1.10 The establishment of clear grounds for the application of control measures is based not only on the ship itself but also on interactions with port facilities or with other ships. A ship otherwise compliant with SOLAS chapter XI-2 and part A of the ISPS Code may be subject to appropriate control measures if that ship had interactions with a non-compliant port facility or ship. In deciding whether to impose control measures in such cases, consideration should be given to any special or additional security measures the ship implemented and maintained during

the interaction with the non-compliant port facility or ship to minimize the risk of a security incident (ISPS Code paragraph B/4.33.6).

1.11 It is also possible that, at any time, reliable information may be received concerning a ship in port which establishes clear grounds and results in control measures been immediately applied to the ship without undertaking an inspection of the ship.

1.12 It should be noted that many of the provisions of part A of the ISPS Code require that the guidance given in part B of the ISPS Code, albeit recommendatory, be taken into account. It should also be noted that part B of the ISPS Code is a process that all parties concerned need to go through in order to comply with part A of the ISPS Code. For example, section A/9.4 of the ISPS Code requires that in order for an ISSC to be issued, paragraphs B/8.1 to B/13.8 of the ISPS Code need to have been taken into account (MSC/Circ.1097).

1.13 When a Contracting Government imposes control measures on a ship, the Administration should, without delay, be contacted with sufficient information to enable the Administration to fully liaise with the Contracting Government (ISPS Code paragraph B/4.35).

1.14 This Guidance addresses the following aspects of the control and compliance measures:

- .1 training and qualification of duly authorized officers;
- .2 ships intending to enter a port of another Contracting Government;
- .3 control of ships in port;
- .4 more detailed inspection where clear grounds exist;
- .5 safeguards; and
- .6 reporting.

## **DEFINITIONS**

1.15 For the purpose of this Guidance:

- .1 *Chapter* means a chapter of the Convention;
- .2 *Clear grounds* that the ship is not in compliance means evidence or reliable information that the security system and any associated security equipment of the ship does not correspond with the requirements of SOLAS chapter XI-2 or part A of the ISPS Code, taking into account the guidance given in part B of the ISPS Code. Such evidence or reliable information may arise from the duly authorized officer's professional judgement or observations gained while verifying the ship's International Ship Security Certificate or Interim International Ship Security Certificate issued in accordance with part A of the ISPS Code or from other sources. Even if a valid certificate is on board the ship, the duly authorized officers may still have clear grounds for believing that the ship is not in compliance based on their professional judgment (ISPS Code paragraph B/4.32);
- .3 *Convention* means the International Convention for the Safety of Life at Sea, 1974 as amended;

- .4 *Duly authorized officer* means an official of the Contracting Government duly authorized by that Government to carry out control and compliance measures in accordance with the provisions of SOLAS regulation XI-2/9;
- .5 *ISPS Code* means the International Ship and Port Facility Security (ISPS) Code as defined in regulation XI-2/1.1.12;
- .6 *Organization* means the International Maritime Organization;
- .7 *Regulation* means a regulation of the Convention.

1.16 Terms not otherwise defined in this part shall have the same meaning as the meaning attributed to them in chapters I and XI-2 and in part A of the ISPS Code.

#### **RELATED MATERIAL**

1.17 The Organization has adopted various performance standards, guidelines, directives and interpretations relating to chapter XI-2 and the ISPS Code which are listed in Appendix 1 and it is recommended that duly authorized officers familiarize themselves with their contents.

## CHAPTER 2

### QUALIFICATIONS AND TRAINING OF DULY AUTHORIZED OFFICERS

2.1 Duly authorized officers are appointed by a Contracting Government to exercise control and compliance measures under the provisions of regulation XI-2/9.

2.2 It is certain that the professional backgrounds of duly authorized officers will vary. However, duly authorized officers need to have appropriate knowledge of the provisions of chapter XI-2 and of the ISPS Code, of shipboard operations and need to be appropriately qualified and trained to the level required by the functions that they are authorized to carry out.

2.3 Duly authorized officers should also be able to communicate with the master, the ship security officer and other officers on the ship in English.

2.4 Duly authorized officers should receive appropriate training to ensure proficiency in safety procedures when boarding or on board a ship, particularly if at sea, including emergency evacuation procedures and procedures for entering enclosed spaces.

2.5 Duly authorized officers when on board a ship should comply with the security measures and procedures in place on the ship unless such measures are incompatible with the specific control measures or steps.

2.6 Duly authorized officers should refrain from attempting to breach the security of a ship.

2.7 Duly authorized officers should carry, and present when boarding a ship, a photographic identification document indicating their authorization. Procedures should be in place to allow verification of the identity of those who have been appointed as duly authorized officers.

2.8 Duly authorized officers should periodically undergo training in order to update their knowledge. Training seminars or courses should be held with such frequency so as to ensure the update of their knowledge with respect to legal instruments related to control and compliance measures to enhance maritime security.

2.9 Duly authorized officers may be assisted, when appropriate, by persons with specialized expertise appointed by the Contracting Governments. Such persons should receive appropriate training, as outlined above.

## CHAPTER 3

### SHIPS INTENDING TO ENTER A PORT OF ANOTHER CONTRACTING GOVERNMENT

#### INFORMATION TO BE PROVIDED BY SHIPS PRIOR TO ENTRY INTO PORT

3.1 The Contracting Government may, in ensuring compliance with chapter XI-2, require that ships intending to enter its ports provide the following information (regulation XI-2/9.2.1):

- .1 confirmation that the ship possesses a valid ISSC or a valid Interim ISSC and the name of its issuing authority<sup>3</sup> (regulation XI-2/9.2.1.1);
- .2 the security level at which the ship is currently operating (regulation XI 2/9.2.1.2);
- .3 the security level at which the ship operated in the previous ten<sup>4</sup> calls at port facilities (regulation XI-2/9.2.1.3);
- .4 any special or additional security measures that were taken by the ship in any previous port where it has conducted a ship/port interface within the timeframe specified paragraph 3.1.3 above (regulation XI-2/9.2.1.4). For example, a ship may provide, or be requested to provide, information, that might be recorded in the ship's log book or in another document such as the ship's security log book<sup>5</sup>, related to:
  - .1 measures taken while visiting a port facility located in the territory of a State which is not a Contracting Government, especially those measures that would normally have been provided by port facilities located in the territories of Contracting Governments (ISPS Code paragraph B/4.37.1); and
  - .2 any Declarations of Security that were entered into with port facilities or other ships (ISPS Code paragraph B/4.37.2);
- .5 confirmation that appropriate ship security procedures were maintained during any ship-to-ship activity during the period covered by its previous ten calls at port facilities (regulation XI-2/9.2.1.5). For example, a ship may provide, or be requested to provide, information related to:

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<sup>3</sup> Issuing authority means the Administration, the recognized security organization who acting on behalf of the Administration, or the Contracting Government who at the request of the Administration, has issued the certificate.

<sup>4</sup> The Maritime Safety Committee, at its seventy-eighth session, agreed that the requirements under regulation XI-2/9.2.1.3 to .5 to keep records of past calls at port facilities and ship-to-ship activities should commence on 1 July 2004 and only apply to calls made, or activities undertaken, on or after that date (MSC/Circ.1111).

<sup>5</sup> Industry practices recommend that Ship Security Officers maintain a ship's security log book wherein, *inter alia*, security incidents, ship-to-ship activities and other pertinent security related information is recorded.

- .1 measures taken while engaged in a ship-to-ship activity with a ship flying the flag of a State which is not a Contracting Government, especially those measures that would normally have been provided by ships flying the flag of Contracting Governments (ISPS Code paragraph B/4.38.1);
- .2 measures taken while engaged in a ship-to-ship activity with a ship flying the flag of a Contracting Government but not required to comply with the provisions of chapter XI-2 and part A of the ISPS Code, such as a copy of any security certificate issued to that ship under other provisions (ISPS Code paragraph B/4.38.2); and
- .3 in the event that persons or goods rescued at sea are on board, all known information about such persons or goods, including their identities when known and the results of any checks run on behalf of the ship to establish the security status of those rescued. It is not the intention of chapter XI-2 or part A of the ISPS Code to delay or prevent the delivery of those in distress at sea to a place of safety. It is the sole intention of chapter XI-2 and part A of the ISPS Code to provide States with enough appropriate information to maintain their security integrity (ISPS Code paragraph B/4.38.3);
- .6 other practical security related information (but not details of the ship security plan) (regulation XI-2/9.2.1.6). For example, a ship may provide, or be requested to provide, information related to:
  - .1 information contained in the Continuous Synopsis Record (CSR) (ISPS Code paragraph B/4.39.1);
  - .2 location of the ship at the time the report is made (ISPS Code paragraph B/4.39.2);
  - .3 expected time of arrival of the ship in port (ISPS Code paragraph B/4.39.3);
  - .4 crew list<sup>6</sup> (ISPS Code paragraph B/4.39.4);
  - .5 general description of cargo aboard the ship<sup>7</sup> (ISPS Code paragraph B/4.39.5);
  - .6 passenger list<sup>8</sup> (ISPS Code paragraph B/4.39.6);
  - .7 information regarding who is responsible for appointing the members of the crew or other persons currently employed or engaged on board the ship in any capacity on the business of that ship (ISPS Code paragraph B/4.39.7 and regulation XI-2/5);

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<sup>6</sup> IMO Crew List – IMO FAL Form 5

<sup>7</sup> IMO Cargo Declaration – IMO FAL Form 2

<sup>8</sup> IMO Passenger List – IMO FAL Form 6



- .8 information regarding who is responsible for deciding the employment of the ship (ISPS Code paragraph B/4.39.7 and regulation XI-2/5); and
- .9 in cases where the ship is employed under the terms of charter party(ies), who are the parties to such charter party(ies). (ISPS Code paragraph B/4.39.7 and regulation XI-2/5).

#### **ASSESSMENT OF INFORMATION RELATED TO SHIPS PRIOR TO ENTRY INTO PORT**

3.2 Every ship to which chapter XI-2 applies intending to enter the port of another Contracting Government shall provide the information described in regulation XI-2/9.2.1 on the request of a duly authorized officer of that Government. The master may decline to provide such information on the understanding that failure to do so may result in denial of entry into port (regulation XI-2/9.2.2). In the event that the entry of a ship into port is denied, the Contracting Government shall forthwith inform in writing the Administration specifying that the entry of the ship into port has been denied and the reasons thereof. The Contracting Government shall also notify the recognized security organization, which issued the certificate relating to the ship concerned and the Organization (regulation XI-2/9.3.1).

3.3 If the assessment of the available information related to the ship does not establish clear grounds for believing that the ship is in non-compliance with the requirements of chapter XI-2 or part A of the ISPS Code, the Contracting Government may allow the ship to enter port.

#### **CLEAR GROUNDS ESTABLISHED FROM THAT ASSESSMENT**

3.4 If the assessment of the available information relating to the ship establishes clear grounds for believing that the ship is in non-compliance with the requirements of chapter XI-2 or part A of the ISPS Code, the Contracting Government shall attempt to establish communication with and between the ship and the Administration and/or the recognized security organization in order to rectify the non-compliance (regulation XI-2/9.2.4).

3.5 If communication under paragraph 3.4 above does not result in rectification, or if the Contracting Government has clear grounds otherwise for believing that the ship is in non-compliance with the requirements of chapter XI-2 or part A of the ISPS Code, the Contracting Government may:

- .1 allow the ship entry into port knowing that clear grounds exist;
- .2 require the ship to proceed to a location specified in the territorial sea or internal waters of that Contracting Government (regulation XI-2/9.2.5.2);
- .3 inspect the ship in its territorial waters (regulation XI-2/9.2.5.3), prior to entry into port;
- .4 deny the ship entry into port (regulation XI-2/9.2.5.4).

3.5.1 Paragraphs 3.8 to 3.8.4.1 below outline the action which may be taken when clear grounds exist.

3.6 Prior to initiating any such steps, the ship shall be informed by the Contracting Government of its intentions. Upon this information the master may withdraw the intention to enter that port. In such cases, this regulation XI-2/9 shall not apply (regulation XI-2/9.2.5).

#### **EXAMPLES OF CLEAR GROUNDS**

3.7 Examples of possible clear grounds which may be determined prior to a ship entering port include:

- .1 evidence or reliable information that serious deficiencies exist in the security equipment, documentation or arrangements required by chapter XI-2 and part A of the ISPS Code (ISPS Code paragraph B/4.33.2);
- .2 a report or complaint which, in the professional judgment of the duly authorized officer, contains reliable information clearly indicating that the ship does not comply with the requirements of chapter XI-2 or part A of the ISPS Code (ISPS Code paragraph B/4.33.3);
- .3 evidence or reliable information that the ship has embarked persons, or loaded stores or goods at a port facility or from another ship where either the port facility or the other ship is in violation of chapter XI-2 or part A of the ISPS Code, and the ship in question has not completed a Declaration of Security, nor taken appropriate, special or additional security measures or has not maintained appropriate ship security procedures (ISPS Code paragraph B/4.33.6);
- .4 evidence or reliable information that the ship has embarked persons, or loaded stores or goods at a port facility or from another source (e.g., another ship or helicopter transfer) where either the port facility or the other source is not required to comply with chapter XI-2 or part A of the ISPS Code, and the ship has not taken appropriate, special or additional security measures or has not maintained appropriate security procedures (ISPS Code paragraph B/4.33.7);
- .5 if the ship holds a subsequent, consecutively issued Interim International Ship Security Certificate as described in section A/19.4 of the ISPS Code, and if, in the professional judgment of a duly authorized officer, one of the purposes of the ship or a Company in requesting such a certificate is to avoid full compliance with chapter XI-2 and part A of the ISPS Code beyond the period of the initial interim certificate as described in section A/19.4.4 of the ISPS Code (ISPS Code paragraph B/4.33.8);
- .6 a ship's failure to provide the information requested.

## **ACTIONS TO BE TAKEN WHEN CLEAR GROUNDS EXIST**

3.8 When clear grounds exist, a Contracting Government may take action as described in paragraphs 3.8.1 to 3.8.4.1 below.

### **3.8.1 Allow ship into port knowing clear grounds exist** *(paragraph 3.5.1 of this Guidance)*

3.8.1.1 The Contracting Government may allow the ship to enter port. In such cases, regulation XI-2/9.1.3 requires the Contracting Government to impose one or more control measures. These include:

- .1 inspection of the ship;
- .2 delaying the ship;
- .3 detention of the ship;
- .4 restrictions of operations including movement within the port; and/or
- .5 additional or alternative lesser administrative or corrective measures.

3.8.1.2 Inspection of a ship may be conducted in accordance with the procedures for a more detailed inspection, as described in chapter 5 of this Guidance.

3.8.1.3 Ultimately the ship could be expelled from port. Expulsion from port shall only be imposed where the duly authorized officer(s) have clear grounds that the ship poses an immediate threat to the security or safety of persons, or of ships or other property and there are no other appropriate means for removing that threat (regulation XI-2/9.3.3).

### **3.8.2 Require that the ship proceed to specified location** *(paragraph 3.5.2 of this Guidance)*

3.8.2.1 The Contracting Government may also require that the ship proceed to a location specified in the territorial sea or internal waters of the Contracting Government in order to enable the inspection of the ship.

3.8.2.2 Inspection of a ship may be conducted in accordance with the procedures for a more detailed inspection, as described in chapter 5 of this Guidance.

3.8.2.3 Ultimately the ship could be denied entry into port.

### **3.8.3 Inspect vessel prior to entry into port** *(paragraph 3.5.3 of this Guidance)*

3.8.3.1 The decision to inspect a ship outside port may depend on assessment of the security threat posed by that ship.

3.8.3.2 Inspection of a ship prior to entry into port on the basis of the assessed security threat, may be conducted in accordance with the procedures for a more detailed inspection, as described in chapter 5 of this Guidance.

3.8.3.3 Ultimately the ship could be denied entry into port.

**3.8.4 Deny the entry of the ship into port**  
*(paragraph 3.5.4 of this Guidance)*

3.8.4.1 Denial of entry into port shall only be imposed when the duly authorized officer(s) have clear grounds to believe that the ship poses an immediate threat to the security or safety of persons, ships or other property and there are no other appropriate means for removing that threat.

## CHAPTER 4

### CONTROL OF SHIPS IN PORT

#### GENERAL

4.1 Regulation XI-2/9.1.1 provides that every ship to which chapter XI-2 applies is subject to control when in a port of another Contracting Government by duly authorised officers, who may be the same as those carrying out the functions of regulation I/19. Such control shall be limited to verifying that there is onboard a valid International Ship Security Certificate (ISSC) or a valid Interim International Ships Security Certificate (Interim ISSC) issued under the provisions of part A of the ISPS Code, which if valid shall be accepted, unless there are clear grounds for believing that the ship is not in compliance with the requirements of chapter XI-2 or part A of the ISPS Code.

4.2 Therefore, in cases where no clear grounds are established before the ship enters port, the ship may still be subject to control under the provisions of regulation XI-2/9.1.1. This may be carried out in conjunction with the port State control inspections conducted under the provisions of regulation I/19 and of resolution A.787(19) entitled Procedures for Port State Control, as amended by resolution A.881(21) entitled Amendments to the Procedures for Port State Control.

#### GENERAL SECURITY ASPECTS

4.3 When visiting a ship for the purposes of regulation XI-2/9.1.1, the duly authorized officer may, in order to observe and gain a general impression of the overall security arrangements of the ship, consider the following aspects:

- .1 while approaching and boarding the ship and moving around the ship take note of the specific security aspects described in paragraphs 4.4.1 to 4.4.12 below, taking into account the security level, or levels, the ship and the port facility are operating at. Duly authorized officers should only consider those aspects which arise during the course of their normal business on board;
- .2 check that the ISSC or the Interim ISSC is on board, valid and has been issued by the Administration, a recognized security organization authorized by it or by another Contracting Government at the request of the Administration;
- .3 check that the security level at which the ship is operating is at least that set by the Contracting Government for the port facility (regulation XI-2/4.3);
- .4 identifying the ship security officer;
- .5 when checking other documentation, ask for evidence that security drills have been carried out at appropriate intervals and seek information on any exercise involving the ship;

- .6 check the records of the last ten<sup>9</sup> calls at port facilities (regulation XI-2/9.2.1), including the records of any ship-to-ship activities that took place during this period, which should include for each case:
  - .1 the security level at which the ship operated (regulation XI-2/9.2.1.3);
  - .2 any special or additional security measures that were taken (regulation XI-2/9.2.1.4); and
  - .3 that appropriate ship security measures were maintained (regulation XI-2/9.2.1.5), including the Declaration of Security, where issued;
- .7 assess whether key members of the ship's security personnel are able to communicate effectively with each other on security-related matters.

#### **SPECIFIC SECURITY ASPECTS**

4.4 The specific security aspects listed in paragraphs 4.4.1 to 4.4.12 below are not intended to be used as a checklist. Consideration of any of these aspects is intended to enable the duly authorized officer to decide whether clear grounds exist. However, duly authorized officers are expected to exercise their professional judgment, taking into account the security level, or levels, the ship and the port facility are operating at and is not limited by the specific security aspects listed below. Non-compliance with one or more particular aspect may not necessarily constitute a failure to comply with the mandatory requirements of chapter XI-2 or part A of the ISPS Code.

#### **Access to the ship when in port**

4.4.1 For ships at security level 1, considerations may include:

- .1 Is there some form of control exercised by the ship on its access points? (ISPS Code section A/7.2.2).
- .2 Is it noticeable that the identity of all persons seeking to board the ship is checked? (ISPS Code paragraph B/9.14.1).

4.4.2 Additionally for passenger ships at security level 1, if these aspects are observable when boarding the ship, considerations may include:

- .1 In liaison with the port facility, have designated secure areas been established for searching? (ISPS Code paragraph B/9.14.2).
- .2 Are checked persons and their personal effects segregated from unchecked persons and their effects? (ISPS Code paragraph B/9.14.4).

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<sup>9</sup> The Maritime Safety Committee, at its seventy-eighth session, agreed that the requirements under regulation XI-2/9.2.1.3 to .5 to keep records of past calls at port facilities and ship-to-ship activities should commence on 1 July 2004 and only apply to calls made, or activities undertaken, on or after that date (MSC/Circ.1111).

- .3 Are embarking passengers segregated from disembarking passengers? (ISPS Code paragraph B/9.14.5).
- .4 Has access been secured to unattended spaces adjoining areas to which passengers and visitors have access? (ISPS Code paragraph B/9.14.7).

4.4.3 For ships at security level 2, if the following aspects are observable while on board, considerations may include:

- .1 Has the number of access points been limited? (ISPS Code paragraph B/9.16.2).
- .2 Have steps been taken to deter waterside access to the ship, which may be implemented in conjunction with the port facility? (ISPS Code paragraph B/9.16.3).
- .3 Has a restricted area on the shore-side of the ship been established, which may be implemented in conjunction with the port facility? (ISPS Code paragraph B/9.16.4).
- .4 Are visitors escorted on the ship? (ISPS Code paragraph B/9.16.6).
- .5 Have full or partial searches of the ship been carried out? (ISPS Code paragraph B/9.16.8).
- .6 Have any additional security briefings been carried out? (ISPS Code paragraph B/9.16.7).

#### **Access to restricted areas**

4.4.4 For ships at security level 1, if the following aspects are observable while on board, considerations may include:

- .1 Are restricted areas marked? (ISPS Code paragraph B/9.20).
- .2 Are the bridge and engine room capable of being locked or secured? (ISPS Code paragraph B/9.21.1).
- .3 Are the bridge and engine room locked or is access otherwise controlled (e.g. by being manned or using surveillance equipment to monitor the areas)? (ISPS Code paragraph B/9.22.2).
- .4 Are doors to restricted areas locked (e.g. steering gear, machinery spaces, air conditioning plants, etc.)? (ISPS Code paragraphs B/9.21.1 to B/9.21.9).

4.4.5 Additionally for passenger ships at security level 2, have restricted areas been established adjacent to access points in order to avoid a large number of persons congregating in those areas? (ISPS Code paragraph B/9.23.1).

### **Monitoring the security of the ship**

4.4.6 For ships at security level 1, if the following aspects<sup>10</sup> are observable while on board, considerations may include:

- .1 Are deck watches in place during your visit or is surveillance equipment being used to monitor the ship? (ISPS Code paragraph B/9.42.2).
- .2 Can the ship monitor both landward and seaward approaches? (ISPS Code paragraphs B/9.42.2, B/9.46.1, and B/9.46.2).

4.4.7 For ships at security level 2, if the following aspects<sup>11</sup> are observable while on board, considerations may include:

- .1 If surveillance equipment is being used is it being monitored at frequent intervals? (ISPS Code paragraph B/9.47.2).
- .2 Have additional personnel been dedicated to guard and patrol restricted areas in place? (ISPS Code paragraph B/9.47.3).

### **Delivery of ship's stores**

4.4.8 For ships at security level 1, if the following aspects<sup>12</sup> are observable while on board, considerations may include:

- .1 Are ship's stores being checked before being loaded for signs that they have been tampered or interfered with? (ISPS Code paragraph B/9.33.3).
- .2 Are checks made to ensure stores match the order prior to being loaded? (ISPS Code paragraph B/9.35.1).
- .3 Are stores securely stored once loaded? (ISPS Code paragraph B/9.35.2).

### **Handling of cargo**

4.4.9 Checking of cargo by the ship may be undertaken by:

- .1 visual and physical examination; and
- .2 using scanning/detection equipment, mechanical devices, or dogs;

bearing in mind that arrangements may have been made for checking and sealing of cargo ashore.

4.4.10 For cargo ships, including car carriers, ro-ro and passenger ships at security level 1, if the following aspects<sup>13</sup> are observable while on board, considerations may include:

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<sup>10</sup> Having regard to the security measures in place at the port facility.

<sup>11</sup> Having regard to the security measures in place at the port facility.

<sup>12</sup> Having regard to the security measures in place at the port facility.

<sup>13</sup> Having regard to the security responsibilities of the port facility.



- .1 Is cargo and are cargo transport units and cargo spaces being checked prior to, and during, cargo handling operations? (ISPS Code paragraph B/9.27.1).
- .2 Is cargo being checked against its documentation? (ISPS Code paragraph B/9.27.2).
- .3 Are vehicles subject to search prior to loading? (ISPS Code paragraph B/9.27.3).
- .4 Are seals, and other anti-tampering methods, being checked? (ISPS Code paragraph B/9.27.4).

4.4.11 For cargo ships, including car carriers, ro-ro and passenger ships at security level 2, if the following aspects<sup>14</sup> are observable while on board, considerations may include:

- .1 Is detailed checking of cargo, cargo transport units and cargo spaces being undertaken? (ISPS Code paragraph B/9.30.1).
- .2 Are detailed checks taking place to ensure only intended cargo is being loaded? (ISPS Code paragraph B/9.30.2).
- .3 Are vehicles being searched more intensively prior to loading? (ISPS Code paragraph B/9.30.3).
- .4 Are there frequent and detailed checks of seals and other anti-tampering methods? (ISPS Code paragraph B/9.30.4).

### **Handling of unaccompanied baggage**

4.4.12 Unaccompanied baggage may be screened and/or searched by either the ship or the port facility. The following considerations apply if the screening/searching is being undertaken by the ship:

- .1 At security level 1, if observable while on board, is unaccompanied baggage being screened and/or searched? (ISPS Code paragraph B/9.39).
- .2 At security level 2, if observable while on board, is all unaccompanied baggage being screened and/or searched? (ISPS Code paragraph B/9.40).

### **ESTABLISHMENT OF CLEAR GROUNDS**

4.5 Examples of possible clear grounds under regulations XI-2/9.1 and XI-2/9.2 may include, when relevant:

- .1 evidence from a review of the ISSC or the Interim ISSC that it is not valid or it has expired (ISPS Code paragraph B/4.33.1);

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<sup>14</sup> Having regard to the security responsibilities of the port facility.

- .2 evidence or reliable information that serious deficiencies exist in the security equipment, documentation or arrangements required by chapter XI-2 and part A of the ISPS Code (ISPS Code paragraph B/4.33.2);
- .3 a report or complaint which, in the professional judgment of the duly authorized officer, contains reliable information clearly indicating that the ship does not comply with the requirements of chapter XI-2 or part A of the ISPS Code (ISPS Code paragraph B/4.33.3);
- .4 evidence or observation gained by a duly authorized officer using professional judgment that the master or ship's personnel are not familiar with essential shipboard security procedures or cannot carry out drills related to the security of the ship or that such procedures or drills have not been carried out (ISPS Code paragraph B/4.33.4);
- .5 evidence or observation gained by the duly authorized officer using professional judgment that key members of the ship's personnel are not able to establish proper communication with any other key members of ship's personnel with security responsibilities on board the ship (ISPS Code paragraph B/4.33.5);
- .6 evidence or reliable information that the ship has embarked persons, or loaded stores or goods at a port facility or from another ship where either the port facility or the other ship is in violation of chapter XI-2 or part A of the ISPS Code, and the ship in question has not completed a Declaration of Security, nor taken appropriate, special or additional security measures or has not maintained appropriate ship security procedures (ISPS Code paragraph B/4.33.6);
- .7 evidence or reliable information that the ship has embarked persons, or loaded stores or goods at a port facility or from another source (e.g., another ship or helicopter transfer) where either the port facility or the other source is not required to comply with chapter XI-2 or part A of the ISPS Code, and the ship has not taken appropriate, special or additional security measures or has not maintained appropriate security procedures (ISPS Code paragraph B/4.33.7); and
- .8 if the ship holds a subsequent, consecutively issued Interim ISSC as described in section A/19.4 of the ISPS Code, and if, in the professional judgment of an officer duly authorized, one of the purposes of the ship or a Company in requesting such a certificate is to avoid full compliance with chapter XI-2 and part A of the ISPS Code beyond the period of the initial interim ISSC as described in section A/19.4.4 of the ISPS Code (ISPS Code paragraph B/4.33.8).

#### **ACTION TO BE TAKEN WHEN CLEAR GROUNDS EXIST**

4.6 When clear grounds exist, a more detailed inspection may be conducted in accordance with the procedures for a more detailed inspection, as described in chapter 5 of this Guidance.

4.7 When deciding on proportionate control measures following an inspection the duly authorized officer should consider the degree to which the ship is able to:

- .1 maintain communication with the port facility;

- .2 prevent unauthorized access to the ship and its restricted areas; and
- .3 prevent the introduction of unauthorized weapons, incendiary devices or explosives to the ship.

4.8 The duly authorized officer shall discuss the items indicating non-compliance with the master and/or ship security officer, and endeavour to ensure the rectification of all non-compliant items. If the master or ship security officer are unable to rectify the non-compliance to the satisfaction of the duly authorized officer, that officer may:

- .1 delay the ship's departure until the non-compliance is rectified (regulation XI-2/9.1.3);
- .2 restrict ship operations until the non-compliance is rectified when the ship would present an especially serious security hazard if it were to remain in its present location or if it were to continue cargo operations, and the non-compliant items can be rectified in another less hazardous condition or location. Restriction of ship operations may include directing the ship to an alternate location within the port, modification or discontinuing of cargo operations, or expulsion of the ship from port (regulation XI-2/9.1.3); or
- .3 detain the ship until non-compliant items are rectified when the ship presents an especially serious threat to the security or safety of persons, to the ship, or to other property, and restriction of operations is insufficient to rectify the non-compliant items (regulation XI-2/9.1.3).

4.9 Such control measures may additionally or alternatively, include other lesser administrative or corrective measures (regulation XI-2/9.1.3).

4.10 Expulsion from port shall only be imposed when there are clear grounds that the ship poses an immediate threat to the security or safety of persons, or of ships or other property, and there are no other appropriate means for removing that threat (regulation XI-2/9.3.3).

## CHAPTER 5

### **MORE DETAILED INSPECTION WHERE CLEAR GROUNDS EXIST**

#### **GENERAL**

5.1 When the duly authorized officer has clear grounds that the ship does not comply with the provisions of chapter XI-2 and of part A of the ISPS Code, or that the master or the ship's personnel is not familiar with essential shipboard security measures and procedures, a more detailed inspection as described in paragraphs 5.2 to 5.6 below, *may* be carried out. When carrying out a more detailed inspection, the duly authorized officer should notify the master. However, it should be noted that non-compliance with any topic referenced to part B of the ISPS Code may not necessarily constitute a failure to comply with chapter XI-2 or part A of the ISPS Code.

#### **MORE DETAILED INSPECTION**

5.2 The more detailed inspection may include:

- .1 Can the master provide documented evidence of his/her responsibilities and authority, which must include his/her overriding authority? (ISPS Code section A/6.1).
- .2 Has a ship security officer been designated and does that individual understand his/her responsibilities under the ship security plan? (ISPS Code section A/12.1).
- .3 Is the ship security plan in the working languages of the ship? If the plan is not in English, French or Spanish, is the version translated into one of those languages? (ISPS Code section A/9.4).
- .4 Does the ship's personnel have the capability to monitor the ship (including cargo areas), restricted areas on board, and areas surrounding the ship? (ISPS Code paragraph B/9.42).
- .5 Are members of the ship's personnel satisfactorily performing all ship security duties, and are they aware of security communication procedures? (ISPS Code sections A/7.2.1 and A/7.2.7).
- .6 Is access to the ship controlled, including the embarkation of persons and their effects? (ISPS section A/7.2.2 and A/7.2.3) Are there means to identify those persons allowed access to the ship? (ISPS Code paragraph B/9.11).
- .7 Does the ship's personnel have the capability to supervise the handling of cargo and ship's stores? (ISPS Code section A/7.2.6).
- .8 Can the ship's officers identify the ship security officer? (ISPS Code section A/9.4.13).

- .9 Can the ship's officers identify the company security officer? (ISPS Code section A/9.4.14).
- .10 Has the ship maintained records of training, drills and exercises? (ISPS Code section A/10.1.1).
- .11 Has the ship maintained records of security level changes? (ISPS Code section A/10.1.4).
- .12 If a security drill has been witnessed, are members of the ship's personnel familiar with their duties and the proper use of ship's security equipment? The duly authorized officer should consult with the master and ship security officer as to the proper type and location of drills, taking into account the ship type, ship personnel changes, and port facilities to be visited. Such drills should, as far as practicable, be conducted as if there was an actual security threat and may include (ISPS Code section A/13.4 and paragraphs B/13.5 and B/13.6):
  - .1 the response to a security threat or security incident;
  - .2 the response to a change to ship security level;
  - .3 detection of unauthorized access, including stowaways; and
  - .4 other incidents appropriate to the nature of identified clear grounds of non-compliance.
- .13 Are key members of the ship's personnel able to communicate with each other, port facilities and the company security officer? (ISPS Code paragraph B/9.2.3).
- .14 Is the ship capable of receiving notices from Contracting Governments on changes in security levels? (Regulations XI-2/3 and XI-2/7).
- .15 Have assurances been received that the ship is capable of initiating and transmitting a ship-to-shore security alert? (Regulation XI-2/6).
- .16 Has the ship security officer been appropriately trained, and does he/she have adequate knowledge of the ship security plan and procedures, the ship's layout, and the operation of ship security equipment and systems? (ISPS Code section A/13.2 and paragraphs B/13.1 and B/13.2).
- .17 Have those members of the shipboard personnel with specific security duties and responsibilities sufficient knowledge and ability to perform their assigned duties? Do they understand their responsibilities for ship security as described in the ship security plan? (ISPS Code section A/13.3 and paragraph B/13.3).
- .18 Through direct observation, is any security equipment installed aboard the ship, such as motion detectors, surveillance systems, scanning equipment, lighting and alarms, functioning properly?

**INSPECTION OF SHIP SECURITY PLAN**

5.3 Where the only means to verify or rectify the non-compliance is to review the relevant requirements of the ship security plan, limited access to specific sections of the plan relating to the non-compliance is exceptionally allowed. Requests for access to specific sections of the plan should include details of the non-compliance to be verified or rectified (ISPS Code sections A/9.8 and A/9.8.1).

5.4 The following sections of the ship security plan can only be inspected by a duly authorized officer with the consent of the Contracting Government whose flag the ship is entitled to fly or of the master of the ship (ISPS Code section A/9.8.1):

<b>Provisions of Plan which may be inspected with consent of the Contracting Government whose flag the ship is entitled to fly or of the master of the ship</b>	
<b>Provisions of Plan</b>	<b>ISPS Code Reference</b>
Prevention of introduction of non-authorized articles	A/9.4.1
Prevention of unauthorized access to the ship	A/9.4.3
Evacuation of the ship	A/9.4.6
Auditing security activities	A/9.4.8
Training, drills and exercises	A/9.4.9
Interfacing with port facility security activities	A/9.4.10
Review of ship security plan	A/9.4.11
Reporting security incidents	A/9.4.12
Identification of the ship security officer	A/9.4.13
Identification of the company security officer	A/9.4.14
Frequency of testing or calibration of security equipment	A/9.4.16
Security of Ship Security Plan	A/9.6
Security activities not covered by ISPS code	B/9.51

5.5 The following provisions of the ship security plan are considered as confidential information and cannot be subject to inspection by a duly authorized officer unless otherwise agreed with the Contracting Government whose flag the ship is entitled to fly (ISPS Code section A/9.8.1):

<b>Provisions of Plan which may be inspected ONLY with the consent of Contracting Government whose flag the ship is entitled to fly</b>	
<b>Provisions of Plan</b>	<b>ISPS Code Reference</b>
Restricted areas	A/9.4.2
Responding to security threats or breaches of security, including frequency of inspection data	A/9.4.4
Responding to any security instructions at security level 3	A/9.4.5
Duties of those assigned security responsibilities	A/9.4.7
Procedures for maintenance of security equipment	A/9.4.15
Ship security alert system	A/9.4.17 and .18

5.6 The duly authorized officer shall continue discussions on those items indicating non-compliance with the master and/or ship security officer, and endeavour to ensure the rectification of all non-compliant items.

#### **CONTROL MEASURES**

5.7 When there are clear grounds, as reflected in paragraph 4.5, the duly authorized officer may impose further control measures as outlined in paragraphs 4.6 to 4.10.

5.8 Such control measures may additionally or alternatively include other lesser administrative or corrective measures (regulation XI-2/9.1.3).

## CHAPTER 6

### SAFEGUARDS

#### GENERAL

6.1 In exercising control and compliance measures, the duly authorized officer should ensure that any control measures or steps imposed are proportionate. Such measures or steps should be reasonable and of the minimum severity and duration necessary to rectify or mitigate the non-compliance (ISPS Code paragraph B/4.43).

6.2 When duly authorized officers exercise control and compliance measures:

- .1 all possible efforts shall be made to avoid a ship being unduly detained or delayed. If a ship is thereby unduly detained, or delayed, it shall be entitled to compensation for any loss or damage suffered (regulation XI-2/9.3.5); and
- .2 necessary access to or disembarkation from the ship shall not be prevented for emergency or humanitarian reasons and for security purposes (regulation XI-2/9.3.5).

6.3 The control measures and the steps referred to in regulation XI-2/9 and in this Guidance shall only be imposed until the non-compliance giving rise to the control measures or steps has been corrected to the satisfaction of the duly authorized officer, taking into account actions proposed by the ship or the Administration, if any (regulation XI-2/9.3.4).

#### UNRELIABLE SOURCES OF INFORMATION

6.4 Should control measures or steps initiated on the basis of evidence or information received from other sources fail to establish non-compliance, the Contracting Government should evaluate the use of such sources, the motives these sources may have for providing misleading information, and determine whether or not information received from these sources should continue to be considered as 'reliable'. In cases of clear abuse the Contracting Government should consider further action aimed at curtailing similar instances, possibly co-ordinated with the Administration or the ship, if appropriate.



## CHAPTER 7

### REPORTING

#### REPORTS IN RESPECT OF CONTROL OF SHIPS IN PORT

7.1 Duly authorized officers should ensure that, on the conclusion of an inspection of a ship in port, the ship's master or ship security officer is provided with a report giving the results of the inspection, details of any action taken by the duly authorized officer, and a list of any non-compliances to be rectified by the master, ship security officer or the company. Such reports should be made in accordance with the format set out in Appendix 1 (regulation XI-2/9.3.1).

7.2 When, in the exercise of control and compliance measures, a duly authorized officer inspects, delays, restricts operations, detains or expels a ship from port after clear grounds for non-compliance have been identified, the Contracting Government shall report<sup>15</sup> forthwith by the most expeditious means in writing to the Administration specifying which control measures have been imposed or steps taken and reasons thereof. The Contracting Government shall also provide copies of such report to the recognized security organization, which issues the ship's ISSC (or the Interim ISSC), and the Organization (regulation XI-2/9.3.1).

7.3 When the ship is denied entry to, or expelled from port, the Contracting Government should notify the relevant authorities of the ship's next port of call, if known, and any other appropriate coastal States. This notification shall be sent with the appropriate security and confidentiality safeguards (regulation XI-2/9.3.2).

#### REPORTS IN RESPECT OF SHIPS INTENDING TO ENTER PORT

7.4 When, in the exercise of control and compliance measures, a duly authorized officer has clear grounds that a ship that intends to enter port is non-compliant with chapters XI-2 or part A of the ISPS Code after receiving the information in paragraph 3.1 of this Guidance, the duly authorized officer shall attempt to establish communication with and between the ship and the Administration to rectify the identified non-compliant items (regulation XI-2/9.2.4).

7.5 When non-compliance is not rectified through this communication, shall notify the ship of the intentions to take proportionate steps to rectify those items. After receiving this information, the master may withdraw his/her intention to enter the port (regulation XI-2/9.2.5).

7.6 When, in the exercise of control and compliance measures, a duly authorized officer takes any of the proportionate steps in this Guidance, to rectify non-compliance on a ship intending to enter port, including denial of entry, the Contracting Government shall forthwith inform in writing the Administration specifying which control measures have been imposed or steps taken and reasons thereof. The Contracting Government shall provide copies of a such report to the recognized security organization, which issued the ship's ISSC (or the Interim ISSC), and the Organization (regulation XI-2/9.3.1).

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<sup>15</sup> Specific contact information is available on the ISPS Code database which has been established pursuant to regulation XI-2/13 and is available on the IMO web-site.

## APPENDIX 1

### RELATED MATERIAL

Resolution MSC.136(76)	Performance standards for a ship security alert system
Resolution MSC.147(77)	Adoption of the Revised performance standards for a ship security alert system
MSC/Circ.1067	Early implementation of the special measures to enhance maritime security
MSC/Circ.1072	Guidance on provision of ship security alert systems
MSC/Circ.1073	Directives for Maritime Rescue Co-ordination Centres (MRCCs) on acts of violence against ships
MSC/Circ.1074	Interim Guidelines for the authorization of RSOs acting on behalf of the Administration and/or Designated Authority of a Contracting Government
MSC/Circ.1097	Guidelines for the implementation of SOLAS chapter XI-2 and the ISPS Code
MSC/Circ.1104	Implementation of SOLAS chapter XI-2 and the ISPS Code
MSC/Circ.1106	Implementation of SOLAS chapter XI-2 and the ISPS Code to port facilities
MSC/Circ.1109	False security alerts and distress/security double alerts
MSC/Circ.1110	Matters related to SOLAS regulations XI-2/6 and XI-2/7
MSC/Circ.1111	Guidance relating to the implementation of SOLAS chapter XI-2 and the ISPS Code
MSC/Circ.1112	Shore leave and access to ships under the ISPS Code
MSC/Circ.1113	Guidance to port State control officers on the non-security related elements of the 2002 SOLAS amendments
Resolution A.955(23)	Amendments to the Principles on safe manning (resolution A.890(21))
Resolution A.956(23)	Amendments to the Guidelines for the onboard operational use of shipborne automatic identification systems (AIS) (resolution A.917(22))
Resolution A.959(23)	Format and guidelines for the maintenance of the Continuous Synopsis Record (CSR)

Circular Letter No. 2514	Information required from SOLAS Contracting Governments under the provisions of SOLAS regulation XI-2/13
Circular Letter No. 2529	Information required from SOLAS Contracting Governments under the provisions of SOLAS regulation XI-2/13.1.1 on communication of a single national contact point
—	IMO/ILO Code of Practice on Security in Ports

APPENDIX 2

**REPORT OF THE IMPOSITION OF A CONTROL AND COMPLIANCE MEASURE IN  
ACCORDANCE WITH INTERIM GUIDANCE ON CONTROL AND COMPLIANCE  
MEASURES TO ENHANCE MARITIME SECURITY  
(Resolution MSC.159(78))**

(Reporting authority)  
(Address)  
(Telephone & Fax)

Copy to: Master  
Duly Authorized Officer administrative office  
If control measures, other than lesser administrative  
measures are taken, additional copies of this report  
shall be provided to:

- Administration
- Recognized security organization
- IMO
- Port State of ship next port call  
(if denied entry or expelled)

1. Name of reporting authority: \_\_\_\_\_
2. Date of inspection: \_\_\_\_\_
3. Place of inspection: \_\_\_\_\_
4. Name of ship: \_\_\_\_\_
5. Flag of ship: \_\_\_\_\_
6. Type of ship: \_\_\_\_\_
7. Call sign: \_\_\_\_\_
8. IMO Number: \_\_\_\_\_
9. Gross tonnage: \_\_\_\_\_
10. Year build: \_\_\_\_\_
11. Recognized security organization: \_\_\_\_\_
12. Registered owner (from Continuous Synopsis Record (CSR)): \_\_\_\_\_
13. Registered bareboat charterer, if applicable (from CSR): \_\_\_\_\_
14. Company (from CSR): \_\_\_\_\_
15. ISSC issuing Authority: \_\_\_\_\_
16. Dates of issue/expiry: \_\_\_\_\_
17. Ship security level: \_\_\_\_\_
18. Reason(s) for non-compliance: \_\_\_\_\_

19. Action taken by Duly Authorized Officer:

20. Specific control measures taken (marks as follow: "x" actions taken, "-" no actions taken)

- None
- Lesser administrative measures
- More detailed inspection
- Ship departure delayed
- Restricted Ship Operation
- Cargo operation modified or stopped
- Ship directed to other location in port
- Ship detained
- Ship denied entry into port
- Ship expelled from port

21. Corrective action taken by ship or Company: \_\_\_\_\_

Issuing office: \_\_\_\_\_

Duly Authorized Officer

Name: \_\_\_\_\_

Telephone/Fax: \_\_\_\_\_

Signature: \_\_\_\_\_