

June 22, 2004

## **FLEET/SAFETY LETTER 04068.GEN**

### **ISPS UPDATE**

IMO recently published a draft resolution "INTERIM GUIDANCE ON CONTROL AND COMPLIANCE MEASURES TO ENHANCE MARITIME SECURITY" to further clarify the requirements under SOLAS Chapter XI-2/9. Significant sections are paraphrased below:

#### **Information to be provided by ships prior to entry into port:**

The Contracting Government may, in ensuring compliance, require that ships intending to enter its ports provide the following: (1) confirmation that the ship possesses a valid ISSC or valid Interim ISSC and the name of its issuing authority; (2) the security level the ship is currently operating under and that of the previous ten calls to port facilities; (3) information contained in the Continuous Synopsis Record (CSR); (4) location of the ship at the time the report is made; (5) expected time of arrival of the ship in port; (6) crew list; (7) general description of cargo aboard the ship; (8) passenger list.

It should be noted that even if the vessel possesses valid certificates, a duly authorized officer (i.e. Port State Control Officer) may still have clear grounds for believing the ship is not in compliance based on their professional judgment.

**Note: The USCG recently stated that they will not accept Statements of Compliance (SOC) or Temporary ISSCs as valid certificates.**

#### **Establishment of Clear Grounds and Actions:**

If there are clear grounds for believing the vessel is not in compliance with the requirements, the Contracting Government shall attempt to establish communications with the ship and the Administration and/or Recognized Security Organization in order to rectify the non-compliance. One or more of the following actions may be taken against the ship: (1) inspection of the ship; (2) delay of the ship; (3) detention of the ship; (4) restriction of operations including movement within port; (5) additional or alternative lesser administrative or corrective measures.

#### **Examples of Clear Grounds:**

These include but are not limited to: (1) evidence or reliable information that serious deficiencies exist in the security equipment, documentation or arrangements; (2) 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.

#### **Control with no Clear Grounds:**

When clear grounds have not been established prior to entry into port, the ship may still be subject to control which can be carried out in conjunction with a Port State inspection.

When visiting a ship for the purpose of verifying compliance, a 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, boarding and moving around the ship take note of the specific security aspects; (2) check what security level the ship is operating

under; (3) identify the ship security officer; (4) when checking documentation, ask for evidence that security drills have been carried out at appropriate intervals (see FSL 03063.GEN) and seek information on any exercise involving the ship; (5) check the records of the last ten calls at port facilities; (6) assess whether key members of the ship's security personnel are able to communicate effectively with each other on security related matters.

**Safeguards:**

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.

We urge you to obtain a copy of the draft resolution, or the final version when published, to prepare your vessels for inspections under the ISPS Code provisions. We will be glad to provide you a copy of the draft in PDF format (or download it from our website). Just send us an e-mail requesting the document.

**Other notifications:**

There will be no extensions granted by Vanuatu for ISPS Code compliance and, in order to receive an ISSC, any vessel, whether mandated to comply or voluntarily participating, must comply with all applicable sections of the Code and SOLAS.

Vanuatu has also set up an **emergency only** e-mail address to send all security related information as follows: [shipsecurity@vanuatuships.com](mailto:shipsecurity@vanuatuships.com).

Also to note that Vanuatu has elected to designate the companies to receive the Ship Security Alert System (SSAS) alerts under SOLAS CH XI-2, Regulation 6. The companies in turn are responsible for notifying this administration in the event of an emergency situation.

Donald J. Sheetz  
Executive Vice President

Encl.

Website: [www.vanuatuships.com](http://www.vanuatuships.com)