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Ref. T2-MSS/2.11.1

MSC.1/Circ.1194  
30 May 2006

## EFFECTIVE IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND THE ISPS CODE

1 The Maritime Safety Committee (the Committee), at its eighty-first session (10 to 19 May 2006), noted that in a number of cases the available information suggested that not all SOLAS Contracting Governments had implemented, complied with, or enforced all the provisions of SOLAS chapter XI-2 and of the ISPS Code.

2 The Committee was also informed that in a number of cases the available information suggested that:

- .1 some port facilities appeared to fail to comply with their obligations under SOLAS chapter XI-2 and the ISPS Code and in some instances ships had no alternative but to implement their own additional protective security measures;
- .2 despite the provisions of the ISPS Code and the promulgation of MSC/Circ. 1112 on Shore leave and access to ships under the ISPS Code, seafarers continued to encounter difficulties with certain SOLAS Contracting Governments in relation to shore leave and access to ships;
- .3 despite the provisions of the ISPS Code and the promulgation of MSC/Circ. 1156 on Guidance on the access of public authorities, emergency response services and pilots onboard ships, Government officials continued to ignore the security measures on board ships and conduct themselves in a manner which was not conducive to the aim and objectives of SOLAS chapter XI-2 and the ISPS Code;
- .4 despite the promulgation of MSC/Circ.1133 on Reminder of the obligation to notify flag States when exercising control and compliance measures<sup>1</sup> a number of SOLAS Contracting Governments continue to fail to notify the Administrations concerned and the Organization, when taking control measures or steps against ships pursuant to the provisions of SOLAS regulation XI-2/9 on Control and compliance measures; and
- .5 the information posted by SOLAS Contracting Governments on the Maritime Security module of the IMO Global Integrated Shipping Information System, which contains the information communicated to the Organization pursuant to the provisions of SOLAS regulation XI-2/13 on Communication of information, are incomplete, outdated or in some cases inaccurate.

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<sup>1</sup> The Committee approved MSC.1/Circ.1191 on Further reminder of the obligation to notify flag States when exercising control and compliance measures which revoked MSC/Circ.1133.

3 The Committee agreed that the enhancement of security throughout the international maritime transport sector was a collective effort and required the active and diligent participation of all SOLAS Contracting Governments and of all parties concerned.

4 Companies are invited to make available on board the ships they operate copies of the present circular and to make them Government officials and to port facility security officers for their information.

5 The Committee reiterated and stressed the need for a rigorous and effective implementation of, compliance with, and enforcement of, the provisions of SOLAS chapter XI-2 and of the ISPS Code by all SOLAS Contracting Governments and all parties concerned.

6 In an effort to assist SOLAS Contracting Governments to improve the current level of implementation of SOLAS chapter XI-2 and the ISPS Code and to enhance the effectiveness of the security measures in place, the Committee approved the Guidance on basic elements of national oversight programmes for SOLAS chapter XI-2 and the ISPS Code (the Guidance) set out at annex.

7 SOLAS Contracting Governments seeking assistance for making tangible improvements to the way in which they implement, comply with, and enforce the provisions of SOLAS chapter XI-2 and the ISPS Code should consider approaching the Organization.

8 SOLAS Contracting Governments, international organizations and non-governmental organizations with consultative status which encounter difficulties or identify apparent inadequacies in the implementation of, compliance with, and enforcement of the provisions of SOLAS chapter XI-2 and the ISPS Code should bring, at the earliest opportunity, relevant details to the attention of the Committee for consideration of action to be taken.

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**ANNEX****GUIDANCE ON BASIC ELEMENTS OF NATIONAL OVERSIGHT PROGRAMMES FOR SOLAS CHAPTER XI-2 AND THE ISPS CODE**

1 SOLAS Contracting Governments are urged to review, in the light of the experience gained, the adequacy and effectiveness of their national legislation and the administrative and other provisions and programmes which they have put in place to give full and complete effect to the provisions of SOLAS chapter XI-2 and the ISPS Code as required by SOLAS article I(2).

2 SOLAS Contracting Governments are urged to establish, if they have not yet done so, as a matter of priority, appropriate national oversight programmes which aim at:

- .1 ensuring that they meet their obligations under SOLAS chapter XI-2 and the ISPS Code;
- .2 verifying that port facilities located within their territories meet their obligations under SOLAS chapter XI-2 and the ISPS Code and their approved port facility security plans;
- .3 verifying that the port facility security plans they have approved contain provisions which facilitate shore leave for seafarers and access of legitimate visitors and of seafarers to and from ships;
- .4 verifying that ships entitled to fly their flag meet their obligations under SOLAS chapter XI-2 and the ISPS Code and their approved ship security plans;
- .5 ensuring that their officials conduct themselves in a manner which is conducive to the aims and objectives of SOLAS chapter XI-2 and the ISPS Code; and
- .6 promptly identifying any non-conformities and initiating and implementing appropriate corrective actions.

3 The Organization has adopted various performance standards, interim schemes, guidance, guidelines, directives and interpretations relating to SOLAS chapter XI-2 and the ISPS Code which are listed in the Appendix which should be taken into account in the implementation of, compliance with, and enforcement of the provisions of SOLAS chapter XI-2 and the ISPS Code.

4 SOLAS Contracting Governments should consider conducting, at regular intervals, self-assessments using the Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities and the Guidance on voluntary self-assessment by Administrations and for ship security approved by the Committee and made available under cover of MSC.1/Circ.1192 and MSC.1/Circ.1193, respectively.

## Appendix

### SPECIAL MEASURES TO ENHANCE MARITIME SECURITY RELATED MATERIAL

#### Assembly resolutions

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 ship borne automatic identification systems (AIS) (Resolution A.917(22))
Resolution A.959(23)	Format and guidelines for the maintenance of the Continuous Synopsis Record (CSR)

#### MSC Resolutions

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
Resolution MSC.159(78)	Interim guidance on control and compliance measures to enhance maritime security
Resolution MSC.196(80)	Adoption of amendments to the International Code for the Security of Ships and of Port Facilities (International Ship and Port Facility Security (ISPS) Code) <sup>1</sup>
Resolution MSC.198(80)	Adoption of amendments to the Formant and Guidelines for the Maintenance of the Continuous Synopsis Record (CSR) (Resolution A.959(23)) <sup>1</sup>
Resolution MSC.203(81)	Adoption of amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended <sup>2</sup>
Resolution MSC.209(81)	Adoption of amendments to the Seafarers' Training, Certification and Watchkeeping (STCW) Code <sup>2</sup>

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<sup>1</sup> Resolution MSC.194(80) on Adoption of amendments to the International Convention for the Safety of Life at Sea, 1974 as amended relates to the amendments.

<sup>2</sup> Requirements for the issue of certificates of proficiency for ship security officers.

**MSC Circulars**

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/Rev.1	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
MSC/Circ.1130	Guidance to masters, Companies and duly authorized officers on the requirements relating to the submission of security-related information prior to the entry of a ship into port
MSC/Circ.1132	Guidance relating to the implementation of SOLAS chapter XI-2 and of the ISPS Code
MSC/Circ.1154	Guidelines on training and certification for company security officers

MSC/Circ.1155	Guidance on the message priority and the testing of ship security alert systems
MSC/Circ.1156	Guidance on the access of public authorities, emergency response services and pilots onboard ships to which SOLAS chapter XI-2 and the ISPS Code apply
MSC/Circ.1157	Interim scheme for the compliance of certain cargo ships with the special measures to enhance maritime security
MSC.1/Circ.1188	Guidelines on training and certification for port facility security officers
MSC.1/Circ.1189	Guidance on the provision of information for identifying ships when transmitting ship security alerts
MSC.1/Circ.1190	Interim scheme for the compliance of special purpose ships with the special measures to enhance maritime security
MSC.1/Circ.1191	Further reminder of the obligation to notify flag States when exercising control and compliance measures
MSC.1/Circ.1192	Guidance on voluntary self-assessment by SOLAS Contracting Governments and by port facilities
MSC.1/Circ.1193	Guidance on voluntary self-assessment by Administrations and for ship security
MSC.1/Circ.1194	Effective implementation of SOLAS chapter XI-2 and the ISPS Code

### **STCW.6 Circulars**

STCW.6/Circ.9	Amendments to Part B of the Seafarers' Training, Certification and Watchkeeping (STCW) Code <sup>2, 3</sup>
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### **Model Courses**

IMO Model Course 3.19	Ship Security Officer
IMO Model Course 3.20	Company Security Officer
IMO Model Course 3.21	Port Facility Security Officer

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<sup>3</sup> Related to resolutions MSC.203(81) and MSC.209(81).

## **Circular Letters**

- 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
- Circular Letter No.2554 Implementation of IMO Unique Company and Registered Owner Identification Number Scheme (resolution MSC.160(78))

## **Other material**

ILO/IMO Code of practice on security in ports.

Seafarers' Identity Documents Convention (Revised), 2003 (ILO Convention No. 185)<sup>4</sup>.

Publicly Available Specification ISO/PAS 20858:2004 on Ships and marine technology – Maritime port facility security assessments and security plan development.

Publicly Available Specification ISO/PAS 28000:2005 on Specification for security management systems for the supply chain.

Framework of standards to secure and facilitate global trade.

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<sup>4</sup> The ILO Governing Body, at its 289th Session, in order to facilitate the early acceptance of the convention has selected for use the *minutiae*-based method for fingerprint template creation, truncation, and barcode storage (PDF417 2-D bar code) and has approved document ILO SID-0002 (ILO document GB.289/7 Appendix II), as embodying the standard for the fingerprint template required under item (k) of Annex I of the Convention.