

THE ISPS CODE

**International Ship & Port Facility Security Code
and SOLAS Amendments 2002**

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November 2003**

Good evening:

It has fallen to me this evening to give a brief overview of the ISPS Code, a subject of current interest to most shipowners, operators and port facility operators.

Although I have been involved at IMO during the development of the code and have had some limited experience with security assessments, I am not a security expert, nor do I profess to be one. Regardless of this limited experience, I ask you tonight to take the will for the deed and lend me your attention for a short period of time while I endeavor to briefly discuss the:

development;
application;
and timeline

of the International Ship and Port Facility Security Code and the related 2002 S.O.L.A.S. Amendments, after which I will briefly go over the route to compliance, with particular emphasis on the Security Assessment.

Development of the Code:

Following the tragic events of 11 September 2001, the 22nd session of the IMO Assembly in November 2001 agreed to the development of new measures relating to the security of ships and port facilities for adoption by a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS).

The process was fast tracked through the Maritime Safety Committee (MSC) and the final text agreed to at that committee's 76th session in December 2002.

The Diplomatic Conference adopted the recommendation on 12 December 2002 and also adopted the necessary changes to SOLAS, including:

- Acceleration of the Automatic Identification System (AIS)
- Adopting new regulations covering marking of the ship's Identification Number
- Requiring the carriage of a Continuous Synopsis Record

The action taken by the International Maritime Organization (IMO) and its member governments represented the culmination of just over a year's intensive work by that body and evidenced clearly the concerns of all member states in bringing security to the forefront of maritime regulations.

Application:

The code, as written, is applicable to:

1. Ships engaged in international voyages, including:
 - .1 passenger ships, including high speed passenger craft;
 - .2 cargo ships, including high speed craft, of 500 gross tonnage and upward; and
 - .3 mobile offshore drilling units; and
2. Port facilities serving such ships engaged on international voyages.

The code covers shipping companies (owners and ship managers), ships as defined above and port facilities of all types (container, bulk and break-bulk).

The U.S. application is more inclusive as to vessel size and type and covers:

- All ships, both cargo and passenger, that are subject to SOLAS
- All vessels greater than 100 gross register tons that are subject to 46 CFR subchapter I (this includes vessels on the Great Lakes)
- All barges subject to 46 CFR subchapter I engaged on an international voyage
- All domestic passenger vessels subject to 46 CFR subchapters H and K
- All barges, regardless of route, which are subject to 46 CFR subchapter D and O
- All tank ships, regardless of route, which are subject to 46 CFR subchapters D and O
- All Mobile Offshore Drilling Units (MODUs) subject to 46 CFR subchapter I-A
- All vessels subject to 46 CFR subchapter L
- All towing vessels greater than 8 meters in registered length that are engaged in towing barges which are subject to 46 CFR subchapter D & O; and
- All towing vessels greater than 8 meters in registered length that are engaged in towing barges that are subject to 46 CFR subchapter I on an international voyage

In addition, the U.S. Administration has made the Part B of the Code "Guidance" mandatory.

Effective Date:

Compliance with the Code is due 1 July 2004. However, many countries have set earlier dates for submission of ship security plans; e.g., U.S.A. 31 December 2003 submitted to the Maritime Safety Center (MSC).

In the United States, however, there is an ongoing dispute as to whether the U.S. Maritime Transportation Security Act (MTSA) requires owners of foreign flag SOLAS vessels entering U.S. ports to have their plans approved by the U.S. Coast Guard. Congress says yes, while the U.S. Coast Guard says such submittals are unnecessary.

Reference Documents:

The documents required for an understanding of the code include:

1. ISPS Code (IMO)
2. U.S. Coast Guard Final Regulations dated October 22, 2003 (contained in Title 33CFR and 46CFR)
3. U.S. Coast Guard NVIC 4-02 and 10-02

In addition, other documents can assist a ship or facility operator in compliance, such as:

1. U.S. Coast Guard Interim Rules dated July 1, 2003 and Federal Register of July 1, 2003, Part II
2. Various classification society publications relative to the code and its implementation

In fact, at least one society, ABS, has a sample security plan on its website.

Overview:

The Code outlines the steps required to obtain an International Ship Security Certificate and a Form of a Statement of Compliance of a Port Facility. These steps include:

- Identification of potential threats
- Consultation between the ship operator and terminals used, as well as the local port authority
- Identification of the Company Security Officer (CSO), Ship's Security Officer (SSO) and Port Facility Security Officer (PFSO)
- Conducting a security assessment of the ship(s) and port facility
- Taking the above into consideration for development of a Ship Security Plan or Facility Security Plan
- Obtain security plan approval and certification from an Administration or their designated Recognized Security Organization (RSO)

The Road to Compliance:

Having briefly overviewed the code, I would like to briefly discuss the "how".

Security Assessment:

The security assessment is a key step in the process, as it will compare the physical aspects of the vessel or facility with the assumed threats and will make recommendations relative to actions that can be taken and equipment that can be used to combat these threats. It will also identify necessary communication links with organizations that can assist.

The security assessment must be considered in the development of the security plan.

A typical Ship Security Assessment should include:

- Information and data reviewed (dwgs., etc.)
- Records of Safety Equipment
- Number of crew
- Current company security procedures
- Physical arrangements as noted during the assessment
- Communications
- Information relative to MARSEC levels
- Identification of key shipboard operations
- Identification of threats

It should also address the operating conditions anticipated, which for a facility would be static, but for a ship would include:

1. At sea
2. At anchor
3. Maneuvering in a port location
4. Alongside a dock

The Security Plan:

The plan must be written in the working language of the ship or port facility. If this language is not English, French or Spanish, a translation into one of these languages is also required.

The plan for ships shall address, at least, the following:

1. Measures designed to prevent weapons, dangerous substances and devices intended for use against persons, ships or ports and the carriage of which is not authorized from being taken on board the ship;
2. Identification of the restricted areas and measures for the prevention of unauthorized access to them;

3. Measures for the prevention of unauthorized access to the ship;
4. Procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the ship or ship/port interface;
5. Procedures for responding to any security instructions Contracting Governments may give at security level 3;
6. Procedures for evacuation in case of security threats or breaches of security;
7. Duties of shipboard personnel assigned security responsibilities and of other shipboard personnel on security aspects;
8. Procedures for auditing the security activities;
9. Procedures for training, drills and exercises associated with the plan;
10. Procedures for interfacing with port facility security activities;
11. Procedures for the periodic review of the plan and for updating;
12. Procedures for reporting security incidents;
13. Identification of the ship security officer;
14. Identification of the company security officer, including 24-hour contact details;
15. Procedures to ensure the inspection, testing, calibration, and maintenance of any security equipment provided on board;
16. Frequency for testing or calibration of any security equipment provided on board;
17. Identification of the locations where the ship security alert system activation points are provided;* and
18. Procedures, instructions and guidance on the use of the ship security alert system, including the testing, activation, deactivation and resetting and to limit false alerts.*

The plan for a port facility shall address, at least, the following:

1. Measures designed to prevent weapons or any other dangerous substances and devices intended for use against persons, ships or ports, and the carriage of which is not authorized, from being introduced into the port facility or on board a ship;
2. Measures designed to prevent unauthorized access to the port facility, to ships moored at the facility, and to restricted areas of the facility;
3. Procedures for responding to security threats or breaches of security, including provisions for maintaining critical operations of the port facility or ship/port interface;
4. Procedures for responding to any security instructions the Contracting Government in whose territory the port facility is located may give at security level 3;
5. Procedures for evacuation in case of security threats or breaches of security;
6. Duties of port facility personnel assigned security responsibilities and of other facility personnel on security aspects;
7. Procedures for interfacing with ship security activities;
8. Procedures for the periodic review of the plan and updating;
9. Procedures for reporting security incidents;
10. Identification of the port facility security officer, including 24-hour contact details
11. Measures to ensure the security of the information contained in the plan;
12. Measures designed to ensure effective security of cargo and the cargo handling equipment at the port facility;
13. Procedures for auditing the port facility security plan;
14. Procedures for responding in case the ship security alert system of a ship at the port facility has been activated; and
15. Procedures for facilitating shore leave for ship's personnel or personnel changes, as well as access of visitors to the ship, including representatives of seafarers' welfare and labor organizations

Both ship and port facility security plans must have provisions to adjust security to the MARSEC levels and must be maintained and updated and must include appropriate training, drills and exercises with the commensurate record keeping.

A Declaration of Security (DOS) may be required by administrations depending on assessed risk and, if so, are to be completed by the ship's Master and the PFSO, or alternative authorized body/person.

Security Duties:

The code specifies individuals in companies and on ships responsible for security and outlines their duties. For example:

A. Company Security Office (CSO)

The duties of the CSO include:

1. Advising the level of threats likely to be encountered by the ship, using appropriate security assessments and other relevant information;
2. Ensuring that ship security assessments are carried out;
3. Ensuring the development, the submission for approval, and thereafter the implementation and maintenance of the ship security plan;
4. Ensuring that the ship security plan is modified, as appropriate, to correct deficiencies and satisfy the security requirements of the individual ship;
5. Arranging for internal audits and reviews of security activities;
6. Arranging for the initial and subsequent verifications of the ship by the Administration or the recognized security organization;
7. Ensuring that deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance are promptly addressed and dealt with;
8. Enhancing security awareness and vigilance;
9. Ensuring adequate training for personnel responsible for the security of the ship;
10. Ensuring effective communication and cooperation between the ship security officer and the relevant port facility security officers;

11. Ensuring consistency between security requirements and safety requirements;
12. Ensuring that, if sister-ship or fleet security plans are used, the plan for each ship reflects the ship-specific information accurately; and
13. Ensuring that any alternative or equivalent arrangements approved for a particular ship or group of ships are implemented and maintained.

B. Ship Security Officer (SSO/VSO)

The duties of the SSO include:

1. Undertaking regular security inspections of the ship to ensure that appropriate security measures are maintained;
2. Maintaining and supervising the implementation of the ship security plan, including any amendments to the plan;
3. Coordinating the security aspects of the handling of cargo and ship's stores with other shipboard personnel and with the relevant port facility security officers;
4. Proposing modifications to the ship security plan;
5. Reporting to the company security officer any deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance and implementing any corrective actions;
6. Enhancing security awareness and vigilance on board;
7. Ensuring that adequate training has been provided to shipboard personnel, as appropriate;
8. Reporting all security incidents;
9. Coordinating implementation of the ship security plan with the company security officer and the relevant port facility security officer; and
10. Ensuring that security equipment is properly operated, tested, calibrated and maintained, if any.

C. Port Facility Security Officer (PFSO)

The duties of the PFSO include:

1. Conducting an initial comprehensive security survey of the port facility, taking into account the relevant port facility security assessment;
2. Ensuring the development and maintenance of the port facility security plan;
3. Implementing and exercising the port facility security plan;
4. Undertaking regular security inspections of the port facility to ensure the continuation of appropriate security measures;
5. Recommending and incorporating, as appropriate, modifications to the port facility security plan in order to correct deficiencies and to update the plan to take into account relevant changes to the port facility;
6. Enhancing security awareness and vigilance of the port facility personnel;
7. Ensuring adequate training has been provided to personnel responsible for the security of the port facility;
8. Reporting to the relevant authorities and maintaining records of occurrences, which threaten the security of the port facility;
9. Coordinating implementation of the port facility security plan with the appropriate company and ship security officer(s);
10. Coordinating with security services, as appropriate;
11. Ensuring that standards for personnel responsible for security of the port facility are met;
12. Ensuring that security equipment is properly operated, tested, calibrated and maintained, if any; and
13. Assisting ship security officers in confirming the identity of those seeking to board the ship when requested.

SOLAS Amendments:

Prior to closing, I would just like to touch on the three SOLAS Amendments referred to at the beginning of this presentation.

Chapter XI Changes:

Automatic Identification System (AIS) SOLAS Regulation 19

Equipment designed to continuously broadcast the ship's identification and position.

New sentence to Chapter XI subparagraph .7 of paragraph 2.4:

“Ships fitted with AIS shall maintain AIS in operation at all times, except where international agreements, rules or standards provide for the protection of navigational information.”

The original SOLAS compliance dates were:

- Self-propelled vessels of 65 feet and over, other than passenger and fishing vessels on international voyages – December 31, 2004 (must also comply with SOLAS)
- Passenger vessels of 150 G.T. or more – July 1, 2003
- Tankers regardless of tonnage – not later than the first survey of safety equipment after July 1, 2003
- Other vessels over 50,000 G.T. – July 1, 2004
- Other vessels 300-50,000 G.T. – not later than first safety equipment survey on or after July 1, 2004 but not later than December 31, 2004

Ship Identification Number SOLAS Regulation 3

4. “For ships constructed before 1 July 2004, the requirements of paragraphs 4 and 5 shall be complied with not later than the first scheduled dry-docking of the ship after 1 July 2004.”

Number shall be permanently marked:

1. In a visible place either on stern or on either side of the hull amidships. For passenger ships, visible from the air.
2. In an easily accessible space on one of the end transverse bulkheads, or on hatchways or, in the case of tankers, in the pump room.
3. Must be clearly visible.
4. Not less than 200 mm in height (1) and 100 mm in height (2).

5. Raised or center punched.
6. On ships other than steel – special approved.

Continuous Synopsis Record SOLAS Regulation 5

On board record of the history of the ship at least from 1 July 2004.

Issued by Administration.

Contains:

- Name of Flag State
- Date ship registered with this state
- Ship identification number
- Name of ship
- Port of registry
- Name and address of registered owner
- Name and address of registered bareboat
- Charterer, if applicable
- Name and address of company as defined in Regulation IX/I (SMS)
- Name of classification society
- Name of administration or recognized organization that issued ISM documentation (DOC and SMC)
- Name of administration or the RSO that issued ISPS security documentation
- Date at which ship ceased to be registered with that state

Conclusion:

The implementation of the ISPS Code is rapidly approaching; and, as with previous SOLAS amendments, there will be a scurry of activity as we get closer to December 2003 in the United States and July 2004 throughout the rest of the world. This, combined with a limited group of RSO's, will make for an exciting next eight months. We at Martin & Ottaway are presently assisting at least one company with plan development as we speak today.

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November 2003