



CONFERENCE OF CONTRACTING
GOVERNMENTS TO THE
INTERNATIONAL CONVENTION FOR
THE SAFETY OF LIFE AT SEA, 1974
Agenda item 6

SOLAS/CONF.5/32
12 December 2002
Original: ENGLISH

**CONSIDERATION AND ADOPTION OF AMENDMENTS TO THE
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974**

Conference resolution 1 and related amendments to the 1974 SOLAS Convention

As adopted by the Conference

Attached in the annex are the texts of Conference resolution 1 and amendments to the International Convention for the Safety of Life at Sea, 1974, annexed thereto, as set out in attachment 1 to the Final Act of the Conference.

ANNEX

ATTACHMENT 1 TO THE FINAL ACT OF THE CONFERENCE

**RESOLUTION 1 OF THE CONFERENCE OF CONTRACTING GOVERNMENTS TO
THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974
ADOPTED ON 12 DECEMBER 2002**

**ADOPTION OF AMENDMENTS TO THE ANNEX TO THE INTERNATIONAL
CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974**

THE CONFERENCE,

BEARING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of friendly relations and co-operation among States,

DEEPLY CONCERNED about the world-wide escalation of acts of terrorism in all its forms, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings,

BEING AWARE of the importance and significance of shipping to the world trade and economy and, therefore, being determined to safeguard the worldwide supply chain against any breach resulting from terrorist attacks against ships, ports, offshore terminals or other facilities,

CONSIDERING that unlawful acts against shipping jeopardize the safety and security of persons and property, seriously affect the operation of maritime services and undermine the confidence of the peoples of the world in the safety of maritime navigation,

CONSIDERING that the occurrence of such acts is a matter of grave concern to the international community as a whole, while also recognizing the importance of the efficient and economic movement of world trade,

BEING CONVINCED of the urgent need to develop international co-operation between States in devising and adopting effective and practical measures, additional to those already adopted by the International Maritime Organization (hereinafter referred to as "the Organization"), to prevent and suppress unlawful acts directed against shipping in its broad sense,

RECALLING the United Nations Security Council resolution 1373(2001), adopted on 28 September 2001, requiring States to take measures to prevent and suppress terrorist acts, including calling on States to implement fully anti-terrorist conventions,

HAVING NOTED the Co-operative G8 Action on Transport Security (in particular, the Maritime Security section thereof), endorsed by the G8 Leaders during their Summit in Kananaskis, Alberta (Canada) in June 2002,

RECALLING article VIII(c) of the International Convention for the Safety of Life at Sea, 1974, as amended (hereinafter referred to as “the Convention”), concerning the procedure for amending the Convention by a Conference of Contracting Governments,

NOTING resolution A.924(22) entitled “Review of measures and procedures to prevent acts of terrorism which threaten the security of passengers and crew and the safety of ships”, adopted by the Assembly of the Organization on 20 November 2001, which, *inter alia*:

- (a) recognizes the need for the Organization to review, with the intent to revise, existing international legal and technical measures, and to consider appropriate new measures, to prevent and suppress terrorism against ships and to improve security aboard and ashore in order to reduce the risk to passengers, crew and post personnel on board ships and in port areas and to the vessels and their cargoes; and
- (b) requests the Organization’s Maritime Safety Committee, the Legal Committee and the Facilitation Committee under the direction of the Council to undertake, on a high priority basis, a review to ascertain whether there is a need to update the instruments referred to in the preambular paragraphs of the aforesaid resolution and any other relevant IMO instrument under their scope and/or to adopt other security measures and, in the light of such a review, to take action as appropriate;

HAVING IDENTIFIED resolution A.584(14) entitled “Measures to prevent unlawful acts which threaten the safety of ships and the security of their passengers and crew”, MSC/Circ.443 on “Measures to prevent unlawful acts against passengers and crew on board ships” and MSC/Circ.754 on “Passenger ferry security” among the IMO instruments relevant to the scope of resolution A.924(22),

RECALLING resolution 5 entitled “Future amendments to chapter XI of the 1974 SOLAS Convention on special measures to enhance maritime safety”, adopted by the 1994 Conference of Contracting Government to the International Convention for the Safety of Life at Sea, 1974,

HAVING CONSIDERED amendments to the Annex of the Convention proposed and circulated to all Members of the Organization and to all Contracting Governments to the Convention,

1. ADOPTS, in accordance with article VIII(c)(ii) of the Convention, amendments to the Annex of the Convention, the text of which is given in the Annex to the present resolution;
2. DETERMINES, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the aforementioned amendments shall be deemed to have been accepted on 1 January 2004, unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world’s merchant fleet, have notified their objections to the amendments;
3. INVITES Contracting Governments to the Convention to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the said amendments shall enter into force on 1 July 2004 upon their acceptance in accordance with paragraph 2 above;

4. REQUESTS the Secretary-General of the Organization, in conformity with article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the Annex to all Contracting Governments to the Convention;

5. FURTHER REQUESTS the Secretary-General to transmit copies of this resolution and its Annex to all Members of the Organization, which are not Contracting Governments to the Convention.

ANNEX

**AMENDMENTS TO THE ANNEX TO THE INTERNATIONAL CONVENTION FOR
THE SAFETY OF LIFE AT SEA, 1974 AS AMENDED**

**CHAPTER V
SAFETY OF NAVIGATION**

Regulation 19 - Carriage requirements for shipborne navigational systems and equipment

1 The existing subparagraphs .4, .5 and .6 of paragraph 2.4.2 are replaced by the following:

“4 in the case of ships, other than passenger ships and tankers, of 300 gross tonnage and upwards but less than 50,000 gross tonnage, not later than the first safety equipment survey¹ after 1 July 2004 or by 31 December 2004, whichever occurs earlier; and”

2 The following new sentence is added at the end of the existing 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.”

CHAPTER XI

SPECIAL MEASURES TO ENHANCE MARITIME SAFETY

3 The existing chapter XI is renumbered as chapter XI-1.

Regulation 3 - Ship identification number

4 The following text is inserted after the title of the regulation:

“(Paragraphs 4 and 5 apply to all ships to which this regulation applies. 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])”

5 The existing paragraph 4 is deleted and the following new text is inserted:

“4 The ship’s identification number shall be permanently marked:

.1 in a visible place either on the stern of the ship or on either side of the hull, amidships port and starboard, above the deepest assigned load line or

¹ The first safety equipment survey means the first annual survey the first periodical survey or the first renewal survey for safety equipment, whichever is due first after 1 July 2004 and, in addition, in the case of ships under construction, the initial survey.

either side of the superstructure, port and starboard or on the front of the superstructure or, in the case of passenger ships, on a horizontal surface visible from the air; and

- .2 in an easily accessible place either on one of the end transverse bulkheads of the machinery spaces, as defined in regulation II-2/3.30, or on one of the hatchways or, in the case of tankers, in the pump-room or, in the case of ships with ro-ro spaces, as defined in regulation II-2/3.41, on one of the end transverse bulkheads of the ro-ro spaces.

5.1 The permanent marking shall be plainly visible, clear of any other markings on the hull and shall be painted in a contrasting colour.

5.2 The permanent marking referred to in paragraph 4.1 shall be not less than 200 mm in height. The permanent marking referred to in paragraph 4.2 shall not be less than 100 mm in height. The width of the marks shall be proportionate to the height.

5.3 The permanent marking may be made by raised lettering or by cutting it in or by centre punching it or by any other equivalent method of marking the ship identification number which ensures that the marking is not easily expunged.

5.4 On ships constructed of material other than steel or metal, the Administration shall approve the method of marking the ship identification number.”

- 6 The following new regulation 5 is added after the existing regulation 4:

“Regulation 5 Continuous Synopsis Record

1 Every ship to which chapter I applies shall be issued with a Continuous Synopsis Record.

2.1 The Continuous Synopsis Record is intended to provide an on-board record of the history of the ship with respect to the information recorded therein.

2.2 For ships constructed before 1 July 2004, the Continuous Synopsis Record shall, at least, provide the history of the ship as from 1 July 2004.

3 The Continuous Synopsis Record shall be issued by the Administration to each ship that is entitled to fly its flag and it shall contain at least, the following information:

- .1 the name of the State whose flag the ship is entitled to fly;
- .2 the date on which the ship was registered with that State;
- .3 the ship’s identification number in accordance with regulation 3;
- .4 the name of the ship;
- .5 the port at which the ship is registered;

- .6 the name of the registered owner(s) and their registered address(es);
- .7 the name of the registered bareboat charterer(s) and their registered address(es), if applicable;
- .8 the name of the Company, as defined in regulation IX/1, its registered address and the address(es) from where it carries out the safety management activities;
- .9 the name of all classification society(ies) with which the ship is classed;
- .10 the name of the Administration or of the Contracting Government or of the recognized organization which has issued the Document of Compliance (or the Interim Document of Compliance), specified in the ISM Code as defined in regulation IX/1, to the Company operating the ship and the name of the body which has carried out the audit on the basis of which the document was issued, if other than that issuing the document;
- .11 the name of the Administration or of the Contracting Government or of the recognized organization that has issued the Safety Management Certificate (or the Interim Safety Management Certificate), specified in the ISM Code as defined in regulation IX/1, to the ship and the name of the body which has carried out the audit on the basis of which the certificate was issued, if other than that issuing the certificate;
- .12 the name of the Administration or of the Contracting Government or of the recognized security organization that has issued the International Ship Security Certificate (or an Interim International Ship Security Certificate), specified in part A of the ISPS Code as defined in regulation XI-2/1, to the ship and the name of the body which has carried out the verification on the basis of which the certificate was issued, if other than that issuing the certificate; and
- .13 the date on which the ship ceased to be registered with that State.

4.1 Any changes relating to the entries referred to in paragraphs 3.4 to 3.12 shall be recorded in the Continuous Synopsis Record so as to provide updated and current information together with the history of the changes.

4.2 In case of any changes relating to the entries referred to in paragraph 4.1, the Administration shall issue, as soon as is practically possible but not later than three months from the date of the change, to the ships entitled to fly its flag either a revised and updated version of the Continuous Synopsis Record or appropriate amendments thereto.

4.3 In case of any changes relating to the entries referred to in paragraph 4.1, the Administration, pending the issue of a revised and updated version of the Continuous Synopsis Record, shall authorise and require either the Company as defined in regulation IX/1 or the master of the ship to amend the Continuous Synopsis Record to reflect the changes. In such cases, after the Continuous Synopsis Record has been amended the Company shall, without delay, inform the Administration accordingly.

5.1 The Continuous Synopsis Record shall be in English, French or Spanish language. Additionally, a translation of the Continuous Synopsis Record into the official language or languages of the Administration may be provided.

5.2 The Continuous Synopsis Record shall be in the format developed by the Organization and shall be maintained in accordance with guidelines developed by the Organization. Any previous entries in the Continuous Synopsis Record shall not be modified, deleted or, in any way, erased or defaced.

6 Whenever a ship is transferred to the flag of another State or the ship is sold to another owner (or is taken over by another bareboat charterer) or another Company assumes the responsibility for the operation of the ship, the Continuous Synopsis Record shall be left on board.

7 When a ship is to be transferred to the flag of another State, the Company shall notify the Administration of the name of the State under whose flag the ship is to be transferred so as to enable the Administration to forward to that State a copy of the Continuous Synopsis Record covering the period during which the ship was under their jurisdiction.

8 When a ship is transferred to the flag of another State the Government of which is a Contracting Government, the Contracting Government of the State whose flag the ship was flying hitherto shall transmit to the Administration as soon as possible after the transfer takes place a copy of the relevant Continuous Synopsis Record covering the period during which the ship was under their jurisdiction together with any Continuous Synopsis Records previously issued to the ship by other States.

9 When a ship is transferred to the flag of another State, the Administration shall append the previous Continuous Synopsis Records to the Continuous Synopsis Record the Administration will issue to the ship so to provide the continuous history record intended by this regulation.

10 The Continuous Synopsis Record shall be kept on board the ship and shall be available for inspection at all times.”

7 The following new chapter XI-2 is inserted after the renumbered chapter XI-1:

**“CHAPTER XI-2
SPECIAL MEASURES TO ENHANCE MARITIME SECURITY**

**Regulation 1
Definitions**

1 For the purpose of this chapter, unless expressly provided otherwise:

.1 *Bulk carrier* means a bulk carrier as defined in regulation IX/1.6.

.2 *Chemical tanker* means a chemical tanker as defined in regulation VII/8.2.

- .3 *Gas carrier* means a gas carrier as defined in regulation VII/11.2.
- .4 *High-speed craft* means a craft as defined in regulation X/1.2.
- .5 *Mobile offshore drilling unit* means a mechanically propelled mobile offshore drilling unit, as defined in regulation IX/1, not on location.
- .6 *Oil tanker* means an oil tanker as defined in regulation II-1/2.12.
- .7 *Company* means a Company as defined in regulation IX/1.
- .8 *Ship/port interface* means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provisions of port services to or from the ship.
- .9 *Port facility* is a location, as determined by the Contracting Government or by the Designated Authority, where the ship/port interface takes place. This includes areas such as anchorages, waiting berths and approaches from seaward, as appropriate.
- .10 *Ship to ship activity* means any activity not related to a port facility that involves the transfer of goods or persons from one ship to another.
- .11 *Designated Authority* means the organization(s) or the administration(s) identified, within the Contracting Government, as responsible for ensuring the implementation of the provisions of this chapter pertaining to port facility security and ship/port interface, from the point of view of the port facility.
- .12 *International Ship and Port Facility Security (ISPS) Code* means the International Code for the Security of Ships and of Port Facilities consisting of Part A (the provisions of which shall be treated as mandatory) and part B (the provisions of which shall be treated as recommendatory), as adopted, on 12 December 2002, by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 as may be amended by the Organization, provided that:
 - .1 amendments to part A of the Code are adopted, brought into force and take effect in accordance with article VIII of the present Convention concerning the amendment procedures applicable to the Annex other than chapter I; and
 - .2 amendments to part B of the Code are adopted by the Maritime Safety Committee in accordance with its Rules of Procedure.
- .13 *Security incident* means any suspicious act or circumstance threatening the security of a ship, including a mobile offshore drilling unit and a high speed craft, or of a port facility or of any ship/port interface or any ship to ship activity.
- .14 *Security level* means the qualification of the degree of risk that a security incident will be attempted or will occur.

- .15 *Declaration of security* means an agreement reached between a ship and either a port facility or another ship with which it interfaces specifying the security measures each will implement.
- .16 *Recognized security organization* means an organization with appropriate expertise in security matters and with appropriate knowledge of ship and port operations authorized to carry out an assessment, or a verification, or an approval or a certification activity, required by this chapter or by part A of the ISPS Code.

2 The term "ship", when used in regulations 3 to 13, includes mobile offshore drilling units and high-speed craft.

3 The term "all ships", when used in this chapter, means any ship to which this chapter applies.

4 The term "Contracting Government", when used in regulations 3, 4, 7, 10, 11, 12 and 13 includes a reference to the "Designated Authority".

Regulation 2 Application

1 This chapter applies to:

- .1 the following types of ships engaged on international voyages:
- .1.1 passenger ships, including high-speed passenger craft;
 - .1.2 cargo ships, including high-speed craft, of 500 gross tonnage and upwards; and
 - .1.3 mobile offshore drilling units; and
- .2 port facilities serving such ships engaged on international voyages.

2 Notwithstanding the provisions of paragraph 1.2, Contracting Governments shall decide the extent of application of this chapter and of the relevant sections of part A of the ISPS Code to those port facilities within their territory which, although used primarily by ships not engaged on international voyages, are required, occasionally, to serve ships arriving or departing on an international voyage.

2.1 Contracting Governments shall base their decisions, under paragraph 2, on a port facility security assessment carried out in accordance with the provisions of part A of the ISPS Code.

2.2 Any decision which a Contracting Government makes, under paragraph 2, shall not compromise the level of security intended to be achieved by this chapter or by part A of the ISPS Code.

3 This chapter does not apply to warships, naval auxiliaries or other ships owned or operated by a Contracting Government and used only on Government non-commercial service.

4 Nothing in this chapter shall prejudice the rights or obligations of States under international law.

Regulation 3 **Obligations of Contracting Governments with respect to security**

1 Administrations shall set security levels and ensure the provision of security level information to ships entitled to fly their flag. When changes in security level occur, security level information shall be updated as the circumstance dictates.

2 Contracting Governments shall set security levels and ensure the provision of security level information to port facilities within their territory, and to ships prior to entering a port or whilst in a port within their territory. When changes in security level occur, security level information shall be updated as the circumstance dictates.

Regulation 4 **Requirements for Companies and ships**

1 Companies shall comply with the relevant requirements of this chapter and of part A of the ISPS Code, taking into account the guidance given in part B of the ISPS Code.

2 Ships shall comply with the relevant requirements of this chapter and of part A of the ISPS Code, taking into account the guidance given in part B of the ISPS Code, and such compliance shall be verified and certified as provided for in part A of the ISPS Code.

3 Prior to entering a port or whilst in a port within the territory of a Contracting Government, a ship shall comply with the requirements for the security level set by that Contracting Government, if such security level is higher than the security level set by the Administration for that ship.

4 Ships shall respond without undue delay to any change to a higher security level.

5 Where a ship is not in compliance with the requirements of this chapter or of part A of the ISPS Code, or cannot comply with the requirements of the security level set by the Administration or by another Contracting Government and applicable to that ship, then the ship shall notify the appropriate competent authority prior to conducting any ship/port interface or prior to entry into port, whichever occurs earlier.

Regulation 5 **Specific responsibility of Companies**

The Company shall ensure that the master has available on board, at all times, information through which officers duly authorised by a Contracting Government can establish:

- .1 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;
- .2 who is responsible for deciding the employment of the ship; and
- .3 in cases where the ship is employed under the terms of charter party(ies), who are the parties to such charter party(ies).

Regulation 6 **Ship security alert system**

- 1 All ships shall be provided with a ship security alert system, as follows:
 - .1 ships constructed on or after 1 July 2004;
 - .2 passenger ships, including high-speed passenger craft, constructed before 1 July 2004, not later than the first survey of the radio installation after 1 July 2004;
 - .3 oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high speed craft, of 500 gross tonnage and upwards constructed before 1 July 2004, not later than the first survey of the radio installation after 1 July 2004; and
 - .4 other cargo ships of 500 gross tonnage and upward and mobile offshore drilling units constructed before 1 July 2004, not later than the first survey of the radio installation after 1 July 2006.
- 2 The ship security alert system, when activated, shall:
 - .1 initiate and transmit a ship-to-shore security alert to a competent authority designated by the Administration, which in these circumstances may include the Company, identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised;
 - .2 not send the ship security alert to any other ships;
 - .3 not raise any alarm on-board the ship; and
 - .4 continue the ship security alert until deactivated and/or reset.
- 3 The ship security alert system shall:
 - .1 be capable of being activated from the navigation bridge and in at least one other location; and
 - .2 conform to performance standards not inferior to those adopted by the Organization.
- 4 The ship security alert system activation points shall be designed so as to prevent the inadvertent initiation of the ship security alert.

5 The requirement for a ship security alert system may be complied with by using the radio installation fitted for compliance with the requirements of chapter IV, provided all requirements of this regulation are complied with.

6 When an Administration receives notification of a ship security alert, that Administration shall immediately notify the State(s) in the vicinity of which the ship is presently operating.

7 When a Contracting Government receives notification of a ship security alert from a ship which is not entitled to fly its flag, that Contracting Government shall immediately notify the relevant Administration and, if appropriate, the State(s) in the vicinity of which the ship is presently operating.

Regulation 7 Threats to ships

1 Contracting Governments shall set security levels and ensure the provision of security level information to ships operating in their territorial sea or having communicated an intention to enter their territorial sea.

2 Contracting Governments shall provide a point of contact through which such ships can request advice or assistance and to which such ships can report any security concerns about other ships, movements or communications.

3 Where a risk of attack has been identified, the Contracting Government concerned shall advise the ships concerned and their Administrations of:

- .1 the current security level;
- .2 any security measures that should be put in place by the ships concerned to protect themselves from attack, in accordance with the provisions of part A of the ISPS Code; and
- .3 security measures that the coastal State has decided to put in place, as appropriate.

Regulation 8 Master's discretion for ship safety and security

1 The master shall not be constrained by the Company, the charterer or any other person from taking or executing any decision which, in the professional judgement of the master, is necessary to maintain the safety and security of the ship. This includes denial of access to persons (except those identified as duly authorized by a Contracting Government) or their effects and refusal to load cargo, including containers or other closed cargo transport units.

2 If, in the professional judgement of the master, a conflict between any safety and security requirements applicable to the ship arises during its operations, the master shall give effect to those requirements necessary to maintain the safety of the ship. In such

cases, the master may implement temporary security measures and shall forthwith inform the Administration and, if appropriate, the Contracting Government in whose port the ship is operating or intends to enter. Any such temporary security measures under this regulation shall, to the highest possible degree, be commensurate with the prevailing security level. When such cases are identified, the Administration shall ensure that such conflicts are resolved and that the possibility of recurrence is minimised.

Regulation 9 Control and compliance measures

1 Control of ships in port

1.1 For the purpose of this chapter, every ship to which this chapter applies is subject to control when in a port of another Contracting Government by officers duly authorised by that Government, 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 or a valid Interim International Ships Security Certificate issued under the provisions of part A of the ISPS Code (Certificate), which if valid shall be accepted, unless there are clear grounds for believing that the ship is not in compliance with the requirements of this chapter or part A of the ISPS Code.

1.2 When there are such clear grounds, or where no valid Certificate is produced when required, the officers duly authorized by the Contracting Government shall impose any one or more control measures in relation to that ship as provided in paragraph 1.3. Any such measures imposed must be proportionate, taking into account the guidance given in part B of the ISPS Code.

1.3 Such control measures are as follows: inspection of the ship, delaying the ship, detention of the ship, restriction of operations including movement within the port, or expulsion of the ship from port. Such control measures may additionally or alternatively include other lesser administrative or corrective measures.

2 Ships intending to enter a port of another Contracting Government

2.1 For the purpose of this chapter, a Contracting Government may require that ships intending to enter its ports provide the following information to officers duly authorized by that Government to ensure compliance with this chapter prior to entry into port with the aim of avoiding the need to impose control measures or steps:

- .1 that the ship possesses a valid Certificate and the name of its issuing authority;
- .2 the security level at which the ship is currently operating;
- .3 the security level at which the ship operated in any previous port where it has conducted a ship/port interface within the timeframe specified in paragraph 2.3;

- .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 in paragraph 2.3;
- .5 that the appropriate ship security procedures were maintained during any ship to ship activity within the timeframe specified in paragraph 2.3; or
- .6 other practical security related information (but not details of the ship security plan), taking into account the guidance given in part B of the ISPS Code.

If requested by the Contracting Government, the ship or the Company shall provide confirmation, acceptable to that Contracting Government, of the information required above.

2.2 Every ship to which this chapter applies intending to enter the port of another Contracting Government shall provide the information described in paragraph 2.1 on the request of the officers duly authorized by 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.

2.3 The ship shall keep records of the information referred to in paragraph 2.1 for the last 10 calls at port facilities.

2.4 If, after receipt of the information described in paragraph 2.1, officers duly authorised by the Contracting Government of the port in which the ship intends to enter have clear grounds for believing that the ship is in non-compliance with the requirements of this chapter or part A of the ISPS Code, such officers shall attempt to establish communication with and between the ship and the Administration in order to rectify the non-compliance. If such communication does not result in rectification, or if such officers have clear grounds otherwise for believing that the ship is in non-compliance with the requirements of this chapter or part A of the ISPS Code, such officers may take steps in relation to that ship as provided in paragraph 2.5. Any such steps taken must be proportionate, taking into account the guidance given in part B of the ISPS Code.

2.5 Such steps are as follows:

- .1 a requirement for the rectification of the non-compliance;
- .2 a requirement that the ship proceed to a location specified in the territorial sea or internal waters of that Contracting Government;
- .3 inspection of the ship, if the ship is in the territorial sea of the Contracting Government the port of which the ship intends to enter; or
- .4 denial of entry into port.

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 shall not apply.

3 Additional provisions

3.1 In the event:

- .1 of the imposition of a control measure, other than a lesser administrative or corrective measure, referred to in paragraph 1.3; or
- .2 any of the steps referred to in paragraph 2.5 are taken,

an officer duly authorized by the Contracting Government shall forthwith inform in writing the Administration specifying which control measures have been imposed or steps taken and the reasons thereof. The Contracting Government imposing the control measures or steps shall also notify the recognized security organization, which issued the Certificate relating to the ship concerned and the Organization when any such control measures have been imposed or steps taken.

3.2 When entry into port is denied or the ship is expelled from port, the authorities of the port State should communicate the appropriate facts to the authorities of the State of the next appropriate ports of call, when known, and any other appropriate coastal States, taking into account guidelines to be developed by the Organization. Confidentiality and security of such notification shall be ensured.

3.3 Denial of entry into port, pursuant to paragraphs 2.4 and 2.5, or expulsion from port, pursuant to paragraphs 1.1 to 1.3, shall only be imposed where the officers duly authorized by the Contracting Government have clear grounds to believe 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.

3.4 The control measures referred to in paragraph 1.3 and the steps referred to in paragraph 2.5 shall only be imposed, pursuant to this regulation, until the non-compliance giving rise to the control measures or steps has been corrected to the satisfaction of the Contracting Government, taking into account actions proposed by the ship or the Administration, if any.

3.5 When Contracting Governments exercise control under paragraph 1 or take steps under paragraph 2:

- .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; and
- .2 necessary access to the ship shall not be prevented for emergency or humanitarian reasons and for security purposes.

Regulation 10 Requirements for port facilities

1 Port facilities shall comply with the relevant requirements of this chapter and part A of the ISPS Code, taking into account the guidance given in part B of the ISPS Code.

2 Contracting Governments with a port facility or port facilities within their territory, to which this regulation applies, shall ensure that:

- .1 port facility security assessments are carried out, reviewed and approved in accordance with the provisions of part A of the ISPS Code; and
- .2 port facility security plans are developed, reviewed, approved and implemented in accordance with the provisions of part A of the ISPS Code.

3 Contracting Governments shall designate and communicate the measures required to be addressed in a port facility security plan for the various security levels, including when the submission of a Declaration of Security will be required.

Regulation 11 **Alternative security agreements**

1 Contracting Governments may, when implementing this chapter and part A of the ISPS Code, conclude in writing bilateral or multilateral agreements with other Contracting Governments on alternative security arrangements covering short international voyages on fixed routes between port facilities located within their territories.

2 Any such agreement shall not compromise the level of security of other ships or of port facilities not covered by the agreement.

3 No ship covered by such an agreement shall conduct any ship-to-ship activities with any ship not covered by the agreement.

4 Such agreements shall be reviewed periodically, taking into account the experience gained as well as any changes in the particular circumstances or the assessed threats to the security of the ships, the port facilities or the routes covered by the agreement.

Regulation 12 **Equivalent security arrangements**

1 An Administration may allow a particular ship or a group of ships entitled to fly its flag to implement other security measures equivalent to those prescribed in this chapter or in part A of the ISPS Code, provided such security measures are at least as effective as those prescribed in this chapter or part A of the ISPS Code. The Administration, which allows such security measures, shall communicate to the Organization particulars thereof.

2 When implementing this chapter and part A of the ISPS Code, a Contracting Government may allow a particular port facility or a group of port facilities located within its territory, other than those covered by an agreement concluded under regulation 11, to implement security measures equivalent to those prescribed in this chapter or in Part A of the ISPS Code, provided such security measures are at least as effective as those prescribed in this chapter or part A of the ISPS Code. The Contracting Government, which allows such security measures, shall communicate to the Organization particulars thereof.

Regulation 13

Communication of information

1 Contracting Governments shall, not later than 1 July 2004, communicate to the Organization and shall make available for the information of Companies and ships:

- .1 the names and contact details of their national authority or authorities responsible for ship and port facility security;
- .2 the locations within their territory covered by the approved port facility security plans.
- .3 the names and contact details of those who have been designated to be available at all times to receive and act upon the ship-to-shore security alerts, referred to in regulation 6.2.1;
- .4 the names and contact details of those who have been designated to be available at all times to receive and act upon any communications from Contracting Governments exercising control and compliance measures, referred to in regulation 9.3.1; and
- .5 the names and contact details of those who have been designated to be available at all times to provide advice or assistance to ships and to whom ships can report any security concerns, referred to in regulation 7.2;

and thereafter update such information as and when changes relating thereto occur. The Organization shall circulate such particulars to other Contracting Governments for the information of their officers.

2 Contracting Governments shall, not later than 1 July 2004, communicate to the Organization the names and contact details of any recognized security organizations authorized to act on their behalf together with details of the specific responsibility and conditions of authority delegated to such organizations. Such information shall be updated as and when changes relating thereto occur. The Organization shall circulate such particulars to other Contracting Governments for the information of their officers.

3 Contracting Governments shall, not later than 1 July 2004 communicate to the Organization a list showing the approved port facility security plans for the port facilities located within their territory together with the location or locations covered by each approved port facility security plan and the corresponding date of approval and thereafter shall further communicate when any of the following changes take place:

- .1 changes in the location or locations covered by an approved port facility security plan are to be introduced or have been introduced. In such cases the information to be communicated shall indicate the changes in the location or locations covered by the plan and the date as of which such changes are to be introduced or were implemented;
- .2 an approved port facility security plan, previously included in the list submitted to the Organization, is to be withdrawn or has been withdrawn.

In such cases, the information to be communicated shall indicate the date on which the withdrawal will take effect or was implemented. In these cases, the communication shall be made to the Organization as soon as is practically possible; and

- .3 additions are to be made to the list of approved port facility security plans. In such cases, the information to be communicated shall indicate the location or locations covered by the plan and the date of approval.

4 Contracting Governments shall, at five year intervals after 1 July 2004, communicate to the Organization a revised and updated list showing all the approved port facility security plans for the port facilities located within their territory together with the location or locations covered by each approved port facility security plan and the corresponding date of approval (and the date of approval of any amendments thereto) which will supersede and replace all information communicated to the Organization, pursuant to paragraph 3, during the preceding five years.

5 Contracting Governments shall communicate to the Organization information that an agreement under regulation 11 has been concluded. The information communicated shall include:

- .1 the names of the Contracting Governments which have concluded the agreement;
- .2 the port facilities and the fixed routes covered by the agreement;
- .3 the periodicity of review of the agreement;
- .4 the date of entry into force of the agreement; and
- .5 information on any consultations which have taken place with other Contracting Governments;

and thereafter shall communicate, as soon as practically possible, to the Organization information when the agreement has been amended or has ended.

6 Any Contracting Government which allows, under the provisions of regulation 12, any equivalent security arrangements with respect to a ship entitled to fly its flag or with respect to a port facility located within its territory, shall communicate to the Organization particulars thereof.

7 The Organization shall make available the information communicated under paragraph 3 to other Contracting Governments upon request.
