

	<b>GOVERNMENT OF ANTIGUA AND BARBUDA</b> <b>DEPARTMENT OF MARINE SERVICES AND</b> <b>MERCHANT SHIPPING (ADOMS)</b>  <b>Circular 05-002-04</b>  <b>Port State Control</b>	Document	Circ. 05-002-04
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		Reference	SOLAS XI-1, SOLAS XI-2, ISPS Code, MSC/Circ. 1111, 1112, 1113

**Circular letter to:**

- 1. All companies having registered their ships under the flag of Antigua and Barbuda W.I.**
- 2. All ships registered under the flag of Antigua and Barbuda W.I.**
- 3. All CSOs and SSOs serving for and on board ships registered under the flag of Antigua and Barbuda W.I.**

**1. 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 XI-2 and the ISPS Code (IMO MSC/Circ. 1111 Annex 1).**

1.1 The SSP should establish details of the procedures and security measures (iaw ISPS- B/9.51) the ship should apply when :

- it is at a port of a State which is not party to the SOLAS Convention
- it is interfacing with a ship to which the ISPS Code does not apply
- it is interfacing with affixed or floating platform or a mobile drilling unit on location, or
- it is interfacing with a port or port facility which is not required to comply with SOLAS XI-2 and ISPS-A.

1.2 If the ship's approved SSP does not include the provisions of ISPS-B/9.51 the ship should attempt to conclude a Declaration of Security (DoS), or take the following action:

- record the actions taken by the CSO and/or SSO to establish contact with the PFSO
- record the security level set by the Administration and any other available security information and complete and sign a DoS on behalf of the ship alone.
- implement and maintain the security measures and procedures set out in the DoS throughout the duration of the interface
- report the actions taken to the CSO and through the CSO to the Administration, and
- request the CSO to inform the authorities responsible iaw SOLAS XI-2/9 and the PFSO at the next port of call of the difficulties the ship experienced and of the actions the ship itself took.

**2. Interim guidance on control and compliance measures to enhance maritime security (IMO MSC/Circ.1111 Annex 2)**

2.1 This guidance (MSC/Circ. 1111) addresses the following aspects of control and compliance measures :

- training and qualification of duly authorized officers
- ships intending to enter a port of another contracting party
- control of ships in port

- more detailed inspection where clear grounds exist
- safeguards, and
- reporting

2.2 The goal of this guidance is to assist in the recognition and rectification of perceived deficiencies in the SSP, 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 SSP 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.

2.3 SOLAS XI-2/9 describes the control and compliance measures applicable to ships to which SOLAS 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-B/4.29)

2.4 SOLAS XI-2/9.1 implements a system for the control of ships while in port of another party to SOLAS where duly authorized officers of that party to SOLAS, have the right to go on board the ship to verify that the ISSC or an 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.

2.5 SOLAS XI-2/9.2 introduces an entirely different concept of control, applying to security only. This additional control system is based on the concept of clear grounds for believing the ship does not comply with SOLAS XI-2 and the ISPS-A Code and includes safeguards.

2.6 When a contracting party to SOLAS imposes control measures on a ship, the Administration should be contacted with sufficient information to enable the Administration to fully liaise with the contracting party to SOLAS iaw ISPS-B/4.35.

### **3. Shore leave and access to ships under the ISPS Code (IMO MSC/Circ. 1112)**

3.1 The 2002 SOLAS Conference agreed that a proper balance between the needs of security, the protection of human rights of seafarers and port workers must be achieved, and that the requirement to maintain the safety and working efficiency of the ship by allowing access to ship support services such as the taking on of stores, repair and maintenance of essential equipment and other vital activities that are appropriately undertaken while moored at port facilities, shall not be prevented.

3.2 To address these concerns and principles, ISPS-A/16.3.15 provide, that the PFSP must contain procedures for facilitating shore leave, crew changes and access for visitors including representatives of seafarers' welfare and labour organizations.

3.3 A single focus on the security of the port facility is contrary to the letter and spirit of the ISPS Code.

### **4. Guidance to port state control officers on the non-security related elements of the 2002 SOLAS amendments (IMO MSC/Circ. 1113)**

4.1 It was agreed at MSC 78 (May 2004) that the primary purpose of the Continuous Synopsis Record (CSR) is to provide a history of the ship which can be inspected by

appropriate officials.

- 4.2 Given the flexibility and timescales provided for in SOLAS XI-1/5 it is possible that the information contained in the CSR of a ship at a particular time may lag behind that contained in new certificates issued in respect of the ship. Since the Administration is required to issue a new CSR within a period of 3 months from the date of the change, the resulting time lag could be of that order.
- 4.3 If inconsistencies are identified, the reasons for them should be considered before control measures are taken based solely on the view that an inconsistency exists. This should include examination of the relevant amendment forms completed by the company or master and attached to the CSR which is on board at the particular time.
- 4.4 If an amendment form has not been completed and attached to the current CSR, the need for control measures, including requiring remedial action, can be considered.

Department of Marine Services and Merchant Shipping of  
Antigua and Barbuda W.I.